

<>Office of Public Affairs <>PM Headlines

*** PM HOT LIST ***

GANT DAILY HARRISBURG – In a move supported by the gas and oil industry, the Pennsylvania state House voted in favor of Marcellus Shale legislation that environmental groups, local officials, public health experts and tens of thousands of residents have opposed for months. “Today our politicians in Harrisburg cast a historic vote against our environment and public health,” said Erika Staaf of PennEnvironment. “This Marcellus Shale legislation will put more Pennsylvanians, their children and our most vulnerable populations at greater risk to the hazards of Marcellus Shale gas drilling.” “If legislators were looking to pass a proposal that will allow more gas drilling near people’s homes, and the parks, playgrounds and schools where our children play and spend their days, then ‘Mission Accomplished,’” Staaf added. The bill, a conference committee-revised version of House Bill 1950, has been widely criticized for provisions that strip local control; set one of the lowest impact fee rates in the nation; and underfunds environmental programs facing massive shortfalls.

DELAWARE COUNTY DAY TIMES HARRISBURG — A more than three-year legislative battle ended with the Pennsylvania General Assembly passing a comprehensive Marcellus shale policy this week and sending the compromise bill to Gov. Tom Corbett. Corbett is expected to sign it, but when he does, he will be violating a pledge taken during the 2010 gubernatorial campaign to not raise taxes — and he's not alone. The state House voted 101-90 for the bill Wednesday afternoon, following a 31-19 vote in the state Senate on Tuesday. The bill had been voted out of a conference committee Monday, and no amendments were allowed before the chambers voted. If signed, the bill will implement a new assessment on natural gas drillers operating in the state, which can be authorized by the counties that host drilling. The bill also:

BLOOMBERG NEWS... Corbett, a Republican, did not say when he will sign the bill, but as soon as he does, about 35 counties will have 60 days to decide whether to impose a 15-year fee on their local wells. The first payment for Marcellus Shale wells drilled before this year would be due Sept. 1. For counties that do not impose the fee, a critical mass of municipalities would have another 60 days to impose it countywide. Because Corbett opposes the kind of tax on the industry that many other states impose, Republican legislative leaders instead pursued an "impact fee" that he views as being fundamentally different than a tax. Even so, several conservative groups, along with Democrats, insisted that the fee is really a tax.

ENVIRONMENTAL DEFENSE FUND Last night the Pennsylvania (PA) General Assembly passed legislation on fracturing fluid chemical disclosure that, on the whole, isn't half bad – particularly considering where they started. Unfortunately, the bill contains a major flaw that prevents us from being able to hold it up as a model for other states to follow. Still, there's quite a bit to be liked. More on that below. I should also point out that the disclosure legislation was part of a much larger bill that addresses a broad range of issue related to shale gas development in PA. The overall bill has been the target of quite a bit of criticism from local environmental groups – particularly for eliminating much of the discretion of local jurisdictions to manage and plan for oil and gas activities within their borders. We didn't work on those provisions, so I'll leave it to those who did to offer up their assessments and, for now, just give a run-down on the disclosure piece.

STATE IMPACT PENNSYLVANIA When the first round of natural gas impact fee payments is collected on September 1, how much money will each county receive? Click on our [interactive map](#) to find out. Based on 2011 natural gas prices, drillers will pay \$50,000 for every horizontal well “spudded” before 2012, and \$10,000 for each vertical well. According to State Impact Pennsylvania’s projections, which are based off the Department of Environmental Protection’s latest

“spud report,” the fee will generate more than \$200 million, with nearly \$50 million coming from Bradford County, alone. 60 percent of the revenue will stay at the county and municipal level, with 36 percent of the local pot going to counties, and rest distributed among townships and municipalities. That means Bradford County would keep about \$10.5 million of its 2011 collection, if it chooses to enact a fee within its borders. On the low end of the spectrum, Lackawanna County will generate \$2,000 from two vertical wells, and keep about \$4,000 for county use.

Evans City buys water to avoid upgrade cost

PI TTSBURGH POST-GAZTTE Faced with the prospect of having to invest millions of dollars to upgrade its municipal water plant, Evans City is buying water from Pennsylvania American Water.The spigot was turned on Feb. 1.Norm Nelson, public works director, said the borough's water plant on Route 528 had been in operation since 1956 with another plant located elsewhere before that. But council decided about a year ago to decommission the operation.Mr. Nelson said the state Department of Environmental Protection had been recommending about \$2.5 million in upgrades involving clarifiers, filters and automation....Mr. Nelson is hoping to strike a deal to sell water to gas extraction companies in the area."We wouldn't need to make the improvements to the plant because it wouldn't be producing drinking water. The water would be for fracking," he explained. The extraction of gas from Marcellus shale requires enormous amounts of water .The plant is capable of producing 600,000 gallons per day. The contract with Pennsylvania American allows the borough to purchase up to 500,000 gallons per day. The borough uses an average 280,000 gallons per day.

Blog: Another major study points to questions about whether natural gas offers greenhouse benefits

CHARLESTON-GAZETTE There's a major new study out this week that provides more evidence to support questions about whether natural gas is really better than coal in terms of reducing greenhouse gas emissions and dealing with the climate crisis.I first saw a report of the study on Joe Romm's excellent Climate Progress blog. Joe is calling this a "bombshell study," and he explains:How much methane leaks during the entire lifecycle of unconventional gas has emerged as a key question in the fracking debate. Natural gas is mostly methane (CH4). And methane is a far more potent greenhouse gas than (CO2), which is released when any hydrocarbon, like natural gas, is burned.Even without a high-leakage rate for shale gas, we know that "Absent a Serious Price for Global Warming Pollution, Natural Gas Is A Bridge To Nowhere." But the leakage rate does matter. A major 2011 study by Tom Wigley of the Center for Atmospheric Research (NCAR) concluded: The most important result, however, in accord with the above authors, is that, unless leakage rates for new methane can be kept below 2%, substituting gas for coal is not an effective means for reducing the magnitude of future climate change.

DEP fines Chesapeake \$565000

PI TTSBURGH POST-GAZETTE HARRISBURG -- The state Department of Environmental Protection has issued a \$565,000 fine to gas driller Chesapeake Appalachia over violations at three of the company's sites last year, including its Bradford County well blowout.The fine announcement this morning comes a day after Pennsylvania state legislators approved a significant increase to penalties for environmental violations and boosted the department's authority for revoking permits.Chesapeake's violations spanned from March to July, and involved improper erosion controls in Potter County, encroachment on a Bradford County wetland, and the discharge of hydraulic fracturing fluid into an unnamed tributary near the Leroy Township blowout site.

Federal studies back impact of wind turbines

SALI SBURY DAILY TIMESOCEAN CITY -- Federal impact studies show areas of the mid-Atlantic coast where offshore wind turbines would have "no significant environmental impact," the U.S. Interior Secretary announced. The finding means sections of open ocean off the Maryland coast will be made available for long-term leases for the development of wind turbines."We all know the wind potential off the Atlantic coast is staggering... up to 1,000 gigawatts of power," said Secretary Ken Salazar. "That's more than the entire nation's present electric-generating capacity. "Atlantic wind can help power cities from Baltimore to Boston to Savannah, creating tens of thousands of manufacturing and engineering jobs in the process."

*** MORNING HOT LIST ***

Shale gas rules bill heads to governor

PITTSBURGH TRIBUNE REVIEWAfter more than three years of political debate and seven years into the shale gas rush, state legislators on Wednesday passed a comprehensive set of rules for the industry, including a fee on drilling and standards for municipal land use that may keep the fight going. Drillers will have to start paying between \$190,000 and \$355,000 per well over 15 years starting from 2011, depending on the price of natural gas, under the bill's language. The 174-page bill creates sweeping reforms, including new disclosure standards for the chemicals used to tap the gas, lengthened setbacks to keep wells more distant from homes and waterways, and standards for emergency containment. But even some of its supporters have expressed concern about the bill's implications for local land-use rules. The state will now set the standards for where and when drilling can happen, giving drillers and gas processors broad access for their work. That may lead to lawsuits from several Pittsburgh-area communities trying to retain long-standing power over those decisions. "When you remove zoning and land use at the local level, there's really nothing else for a municipal government to do," said Brian Coppola, a supervisor in Robinson in Washington County, one of the municipalities considering legal action. "You've turned a whole system upside down, not just the drilling. ... It's gutting our entire system. It's a big deal." Gov. Tom Corbett helped push those rules through the General Assembly in an effort to create more uniform rules for drillers and to court their business across the state. He will sign the legislation, he said in a statement released less than 15 minutes after the House approved the bill 101-90 yesterday. It took nearly three months for the House and Senate to merge different bills, with the Senate approving it 31-19 on Tuesday.

Corps forges ahead on Delaware River deepening

WILMINGTON NEWS JOURNALÀThe U.S. Army Corps of Engineers said Wednesday it will sink about \$16.9 million this year into the deepening of the Delaware River's main shipping channel. The move is a clear sign that the 103-mile project is gathering steam despite budget criticisms and environmental protests. The largest infusion of public cash in several years for the \$267 million deepening project followed strong behind-the-scenes lobbying by Gov. Jack Markell and Delaware's congressional delegation. The politicians had been far more guarded in their public support for the controversial deepening in past years. Things changed in 2011, after Delaware lost a challenge to the Corps' power to dredge without state permits, and after the Corps' environmental studies passed muster with the Environmental Protection Agency and Department of the Interior. By late in the year, with dredging already under way, Markell and all three of the state's members of Congress were pressing the Corps to include the deepening in its work plan for the fiscal year that ends Sept. 30. That appeal put Delaware squarely in the middle of a national scramble for money from new "special accounts" created by Congress after a moratorium on budget earmarks for pet projects. "It's earmarking by another name," said Maya van Rossum, who directs the Delaware Riverkeeper organization, a conservation group that has fought the deepening for years. "Call it a slush fund, call it whatever you will, it's a way to skirt the ban on earmarks, and the Delaware River is one of the poster children." Delaware officials saw things differently. "This project will have a significant, positive economic impact on Delaware and the region," Sen. Tom Carper, D-Del., said in a joint statement with Sen. Cris Coons and Rep. John Carney, fellow state Democrats. "Investments like this one are critical to the long-term development of the Port of Wilmington and Delaware, as well as the other states along the Delaware River, to help us continue our economic recovery and to stay competitive."

3 W.Va. plants latest to close under utility restructuring

CHARLESTON GAZETTEÀCHARLESTON, W.Va. -- Three FirstEnergy power plants in West Virginia will close in September in the latest move by a utility to shutter decades-old units that can't meet new federal air quality standards that limit mercury and other toxic pollutants. Akron, Ohio-based FirstEnergy said it would shut down the Albright Power Station in Preston County, the Rivesville Power Station in Marion County and the Willow Island Power Station in Pleasants County. Together, seven boilers at the three plants have electric generating capacity of about 660 megawatts, about the equivalent of a medium-sized modern coal plant. All three facilities date back to the 1940s and 1950s. They were not equipped with the latest pollution control devices, and FirstEnergy used all three in recent years on a very limited basis to provide power in times of peak demand. James R. Haney, president of West Virginia operations for FirstEnergy, cited high costs to implement the U.S. Environmental Protection Agency's Mercury and Air Toxics Standards as the reason for his company's action. FirstEnergy said 105 employees at the plants are affected, but that some will be considered for openings within the company or may accept special retirement packages. The EPA air toxics rule has become a new focus for industry officials, coalfield business groups and regional political leaders who complain the Obama administration is waging a "war on coal" aimed at shutting down all mining. "This is another example of how the EPA is costing us good jobs in West Virginia and throughout Appalachia," Gov. Earl Ray Tomblin said in a prepared statement. EPA Administrator Lisa P. Jackson says the rule was needed to cut emissions of mercury and toxic air pollutants like arsenic and cyanide. EPA estimates the new standards will prevent up to 96 premature deaths in West Virginia, while creating up to \$790 million in health benefits in 2016. Also, EPA officials note that proven pollution controls are already available -- and in use at more than half of the nation's power plants -- to meet the new limits.

M.d. delegate wants to ban arsenic in chicken feed

SALISBURY DAILY TIMESÀANNAPOLIS — A Maryland lawmaker said Wednesday that poultry feed containing a known carcinogen should be banned from Maryland farms even though its maker has already stopped selling it voluntarily. Delegate Tom Hucker, D-Montgomery, told a panel of his colleagues Wednesday that even though Pfizer Inc. has voluntarily suspended the sale of roxarsone, a chemical often put in chicken feed to help the birds grow and fight parasites, he wants the chemical banned here. Hucker said the chemical and other additives that contain arsenic contaminate chicken meat and waste, polluting soil and the Chesapeake Bay. "We should look for alternatives, but without a ban, there will be far less market pressure to spend money on research for alternatives," he said. Pfizer stopped selling the drug in July after a U.S. Food and Drug Administration study found higher levels of inorganic arsenic in chicken treated with roxarsone than in those that were not fed the chemical. Perdue Farms, the country's third-largest chicken company, stopped using it in 2007. Hucker's proposal, which was rejected by House Environmental Matters Committee last year, was studied by the Harry R. Hughes Center for Argo-Ecology. The study found that the use of arsenic is unsustainable, Hucker said. Chicken industry representatives said banning roxarsone and other chemicals with arsenic could hurt Maryland poultry farmers if Pfizer begins to sell the product again after further FDA analysis.

EDITORIAL: Corbett, Pa. Legislature take the low road on natural gas impact fees, regulation

EASTON EXPRESS-TIMESÀJust in time for Valentine's Day, the Pennsylvania Legislature and Gov. Tom Corbett have put together a sweetheart deal for the natural gas drilling industry — a package of impact fees that ranks among the lowest in the nation, and yanks local zoning control from municipalities affected by drilling. The Senate passed an impact fee bill Tuesday. The House voted 101-90 Wednesday to send the measure to Corbett's desk. Democrats weren't included in talks, and public hearings were bypassed to get the deal done. To view this as a positive move — adopting fees less than half those charged in Texas and West Virginia, for example, while Corbett proposes steep cuts for higher education and public welfare programs — is to say it is better than nothing. “Nothing” is what Pennsylvania has had in place since the “fracking” search for gas in Marcellus Shale deposits began in the state in 2008. To be sure, there are benefits — funds to offset the wear and tear on roads and clean up spills. Sixty percent of revenues would go to the locals, 40 percent to the state. The bill seeks to jump-start dormant refineries and pay for preservation of open space. Yet the balance is tipped heavily toward the industry. The impact fee, estimated at between 1 percent and 3 percent, takes local zoning control away from towns to regulate drilling-related development. Counties will have to vote “yes” to enact the fees. While the economic infusion is welcome — especially in areas that have suffered job losses for decades — there is no evidence to suggest drillers would abandon Pennsylvania if they had to pay a fee or tax that would do more to help rebuild the state and get it through a recession. We agree that overtaxing an industry to prop up current expenses is a fool's way to balance a budget, yet the industry had no problem with a reasonable extraction tax. Corbett's resistance seems more attuned to campaign donors and his signing of Grover Norquist's “no tax” pledge than the needs of everyday Pennsylvanians — many of whom will face higher local taxes as a result of state budget cuts.

Impact fee on drilling could bring millions to Clearfield County

WJAC-TV JOHNSTOWN CLEARFIELD COUNTY, Pa. — After months of debating the Pennsylvania House decided to pass legislation on imposing impact fees on Marcellus Shale companies to Governor Tom Corbett. In three days the bill has quickly made its way to its current standing. On Monday evening there was a conference committee meeting to move the Republican-negotiated legislation forward. On Tuesday the bill passed the state senate. Wednesday afternoon it also passed the House of Representatives 101-90. Imposing impact fees on drilling companies is not unheard of across the country. Pennsylvania is one of the last states that has not imposed the fee that is seeing the effects of the drilling industry. 6 News covers 10 counties in the coverage area. They include: Blair, Huntingdon, Centre, Clearfield, Elk, Jefferson, Cambria, Bedford, Somerset and Indiana. In those counties, Clearfield County recently has seen the most drilling. According to the Department of Environmental Protection, from January 2011 through November 2011 there were 116 permits issued in the county. Of those permit issued, 56 wells were drilled. As the industry continues to boom in the county,

Clearfield County commissioners are hopeful that the governor will sign the bill into law. "If this passes, and even though it is based on the sliding scale of the price of gas, with the number of wells that we have here in Clearfield County, we will see millions of dollars," said Commissioner Joan Robinson McMillen. According to the Department of Environmental Protection, the number of wells drilled in Clearfield County has sky-rocketed in recent years.

Reported violations at Pa. drilling sites saw drop in 2011

PITTSBURGH POST GAZETTE State inspectors found 1,178 violations of state environmental regulations at Marcellus Shale gas drilling and development sites in 2011, according to a review released Wednesday by PennEnvironment. That number of violations is down slightly from 2010, but the violations per well drilled has declined significantly, from .836 violations per well drilled in 2010 to .591 violations per well drilled in 2011. The statewide environmental advocacy organization's review of Pennsylvania Department of Environmental Protection violations records did not analyze whether the decline in violations was the result of better gas drilling operations, altered inspection procedures or changed record-keeping. The PennEnvironment review shows that for the four years -- 2008 through 2011 -- the DEP recorded 3,355 violations at 4,596 Marcellus well drilling operations and identified 2,392 of those as likely posing an environmental threat or risk. The rest were classified as reporting or paperwork violations. "Our analysis shows that Marcellus Shale gas drilling companies are either unable or unwilling to comply with basic environmental laws," said Erika Staaf of PennEnvironment Research & Policy Center. She added that the organization is asking for a halt in shale gas extraction until gas operators can demonstrate it can be done in a way that is protective of public health and the environment. Steve Forde, Marcellus Shale Coalition vice president of policy and communications, said new environmental, health and safety provisions in Marcellus Shale gas legislation passed by the Legislature Wednesday will ensure continued environmental protection.

Blog: What's going on at Blair Mountain?

CHARLESTON GAZETTEWell, the folks at the Sierra Club just issued a press release headlined, “Is Arch Coal About to Mine Historic Blair Mountain? Local and National Groups Rally to Townspeople’s Defense.” They say: *Residents of Blair, West Virginia have noticed increased activity from mining company Arch Coal around the historic Blair Mountain Battlefield site. Members of the town have become more and more concerned about Arch’s activities and fear they are moving forward with plans to mine the Blair Battlefield site. There have been reports of proposed buy outs of resident’s property, increasing industrial activity in the area and other preparations indicative of a move towards mining operations on the battlefield itself. Blair Mountain is the site of the largest civil insurrection in American history since the Civil War. In 1921 more than 10,000 coal miners fought forces backed by mining interests in an attempt to organize unions in Logan and Mingo County.* It’s interesting ... because nearly a dozen people I’ve talked to today — including some with close ties to the Sierra Club and other environmental groups — have told me when I asked that they don’t really know what’s going on. Even local folks who are watching developments very closely aren’t sure that the increased activity is any indication that strip-mining of the site is imminent. (One even told me it’s possible that the movement is in preparation for planned longwall mining underground).

Green project funding available for Chesapeake Bay region

WEST VIRGINIA STATE JOURNAL More than \$400,000 will be up for grabs this year for Chesapeake Bay watershed communities for the U.S. Environmental Protection Agency's Green Streets–Green Jobs–Green Towns initiative. West Virginia communities in the Chesapeake Bay watershed are among those eligible for the program, a release from the EPA states. "To meet tomorrow's challenges, we need to apply cost-effective solutions for improving the health of the Chesapeake Bay watershed and the economy of our communities," said EPA Regional Administrator Shawn M. Garvin. "Green streets and green infrastructure are investments that create jobs and save money while also providing multiple environmental and quality of life benefits. By helping towns accelerate their local greening efforts, we're moving ahead in creating an America built to last." The \$400,000 in total funding is double what was offered in 2011. The program is open to local governments and non-profit organizations in the Chesapeake Bay region of Maryland, the District of Columbia, Delaware, Pennsylvania, Virginia and West Virginia.

CBO report becomes Republicans' ammunition to continue pay freeze

WASHINGTON POSTA Congressional Budget Office report issued last week has become Exhibit A in Republicans’ efforts to extend a freeze on federal pay rates and limit retiree benefits. The main take-away from the report: “Overall, the federal government paid 16 percent more in total compensation than it would have if average compensation had been comparable with that in the private sector, after accounting for certain observable characteristics of workers.” That average covers big exceptions and includes benefits, although the CBO acknowledges that comparing benefits is an “uncertain” exercise. CBO found that only federal workers with no more than a high school education actually earned less than private-sector counterparts. Employees with a bachelor’s degree earned about the same, and those with advanced degrees are paid about 23 percent less. Whatever the nuances, House Republicans didn’t need the CBO report in December, when they approved offsetting the cost of a payroll tax-holiday extension in part by adding another 12 months to the current pay freeze. Yet more than studies produced by conservative think tanks, the report by the independent CBO was a gift to Republicans who have long sought to reduce the federal payroll. On Feb. 1, during the debate before the House approved legislation adding another 12 months to the federal pay freeze, Republicans repeatedly used the CBO report as ammunition. “I think it is important to also look at the facts behind federal employees as they are compared to the private sector,” said Rep. Sean P. Duffy (R-Wis.), the bill’s sponsor. “The Congressional Budget Office came out, and they’ve said that federal employees make 16 percent more on average than the private sector. . . .” That doesn’t make sense. And I hear a lot of conversation from my friends across the aisle about fairness and parity. Well, I think you should start to use the term ‘fairness’ today. There should be parity between the private sector and the public sector.”

PENNSYLVANIA

PHILADELPHIA INQUIRER

From Early Bird Pa. House approves fee on Marcellus Shale gas HARRISBURG - Pennsylvania is a signature away from imposing a fee on natural gas extraction in the Marcellus Shale. After three years of debate and false starts, the House

voted, 101-90, Wednesday to approve a compromise plan for a "local impact fee" on natural gas drillers. With the Senate's approval in hand, the measure goes to Gov. Corbett, who said he would sign it. "This legislation reaffirms our strong commitment to safe and responsible natural gas development here in Pennsylvania," Corbett said in a statement minutes after the House vote Wednesday afternoon. The 174-page bill that awaits his pen directs a majority of the fee's proceeds to the upstate areas most affected by the drilling, as Corbett insisted. But it also spreads money around to the Philadelphia region and other parts of the state. The compromise was months in the making and for several hours yesterday appeared headed towards defeat as Republicans who control the House hustled to garner votes. In the end, they mustered a slim majority, showcasing again the difficulties of reaching consensus on how best to deal with a burgeoning industry. Pennsylvania is the only major gas-producing state that does not tax natural gas production. Corbett steadfastly refused to impose a "severance tax" on drillers, arguing that it would chase away an industry that is creating jobs and generating revenue in a lackluster economy. Thus, the "impact fee" concept was born, despite loud complaints from Democrats that it amounted to a break for a deep-pocketed industry. "This is the largest corporate giveaway in Pennsylvania history," House Minority Leader Frank Dermody (D., Allegheny) said Wednesday.

From Early Bird Nutter talks about Marcellus Shale, Pa. budget While he didn't use the word "lobby," Mayor Nutter said he made lawmakers in Harrisburg knew how he felt about threats to the city's share of the proposed Marcellus Shale "local impact fee." "If there is a bill moving and if something is going to happen, I need to make sure Philadelphia gets ... our fair share," Nutter said today. The mayor was in Harrisburg Tuesday, when Gov. Corbett gave his budget address and the state Senate began maneuvering to pass the impact fee. Vincent Hughes, ranking Democrat on the Senate Appropriations Committee, said he was warned that Philadelphia could get cut out of the impact fee money if Democrats didn't deliver some support. Nutter said his understanding was the city would be "excluded or significantly capped from the funding." The measure, which would impose a fee on natural gas extraction, eventually passed the Senate with some Democratic support. It passed the House today. State Democrats had advocated for a steeper tax, rather than the fee. Hughes complained that the GOP was playing "hardball politics" by threatening to cut Philadelphia out. Republicans countered that they had been negotiating with their counterparts for weeks. Because the portion of the proceeds devoted to statewide projects would be divided based on population — meaning Philadelphia would get the biggest share — Republicans said they needed to show their caucus that the hometown legislators were on board. Hughes and Sen. Anthony H. Williams, Democrats from Philadelphia, both voted for the fee. "It was a reality trade-off," Williams said.

PITTSBURGH POST-GAZETTE

From Early Bird Editorial: Lost opportunity: Corbett's choices will hurt Pennsylvanians Last year, at his inauguration, Tom Corbett took office with a desire to "unleash a new common prosperity to benefit all Pennsylvanians." Two budget proposals later, it's hard to see how the governor is doing his part. His second plan, \$27.1 billion for 2012-13, reads much like the first, with deep funding cuts and a cold shoulder toward new revenues. He called his budget "lean and demanding," but it looks more like a lost opportunity. For the second year in a row, Mr. Corbett refuses to consider a severance tax on deep natural gas drilling, a booming energy sector that routinely pays the tax to support other states in which it operates. But the governor, true to his no-tax-hike pledge, refuses to let Pennsylvania go that route. Faced with a possible revenue shortfall of \$700 million at the end of June, Mr. Corbett would rather cut funding for public universities, student aid and highways and bridges. He wants poor children and disabled adults to forgo cash assistance. And he would slash money by double-digit percentages to the key departments of environmental protection, community and economic development, and labor and industry. The governor raised the same specter of red ink last year for his initial budget cuts, yet the state ended up with a \$785 million surplus. In other words, Pennsylvanians beware. The most disappointing part of Mr. Corbett's budget message Tuesday was his continued failure to detail a solution to the state's transportation funding crisis, which will bring seismic shocks in September to Port Authority transit customers.

From Early Bird Shale bill heads to governor HARRISBURG -- A sweeping overhaul of the state's gas-drilling regulations, including restrictions on local zoning rules and a new fee on those companies, now awaits Gov. Tom Corbett's signature. The 174-page bill, which cleared the General Assembly on Wednesday, is the result of years of debate over how much money Marcellus Shale drillers should be required to pay in exchange for extracting the lucrative Pennsylvania resource. It's not the severance tax sought by Democrats and opposed by the Republican governor. Nor will the impact fee strictly benefit the counties where drilling occurs, as some Republicans preferred. Instead the final plan is a hybrid of several approaches, under which counties decide whether to impose the fee, a state agency collects the dollars, and a bevy of agencies and programs benefits from the revenue. "This bill may not be perfect, but we've been waiting for perfect for four years," said state Rep. Dave Reed, R-Indiana. "At some point you have to stop talking about caring for our environment, and you have to get about the business of doing something about it." The legislation passed the House on Wednesday, 101-90, after having passed the Senate on Tuesday, following a conference committee meeting -- where the negotiated bill got its first public viewing -- the day before.

From Early Bird Reported violations at Pa. drilling sites saw drop in 2011 State inspectors found 1,178 violations of state environmental regulations at Marcellus Shale gas drilling and development sites in 2011, according to a review released Wednesday by PennEnvironment. That number of violations is down slightly from 2010, but the violations per well drilled has declined significantly, from .836 violations per well drilled in 2010 to .591 violations per well drilled in 2011. The statewide environmental advocacy organization's review of Pennsylvania Department of Environmental Protection violations records did not analyze whether the decline in violations was the result of better gas drilling operations, altered inspection procedures or changed record-keeping. The PennEnvironment review shows that for the four years -- 2008 through 2011 -- the DEP recorded 3,355 violations at 4,596 Marcellus well drilling operations and identified 2,392 of those as likely posing an environmental threat or risk. The rest were classified as reporting or paperwork violations. "Our analysis shows that Marcellus Shale gas drilling companies are either unable or unwilling to comply with basic environmental laws," said Erika Staaf of PennEnvironment Research & Policy Center. She added that the organization is asking for a halt in shale gas extraction until gas operators can demonstrate it can be done in a way that is protective of public health and the environment. Steve Forde, Marcellus Shale Coalition vice president of policy and communications, said new environmental, health and safety provisions in Marcellus Shale gas legislation passed by the Legislature Wednesday will ensure continued environmental protection.

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Evans City buys water to avoid upgrade cost

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producing 600,000 gallons per day. The contract with Pennsylvania American allows the borough to purchase up to 500,000 gallons per day. The borough uses an average 280,000 gallons per day.

PITTSBURGH TRIBUNE REVIEW

From Early Bird Shale gas rules bill heads to governor After more than three years of political debate and seven years into the shale gas rush, state legislators on Wednesday passed a comprehensive set of rules for the industry, including a fee on drilling and standards for municipal land use that may keep the fight going. Drillers will have to start paying between \$190,000 and \$355,000 per well over 15 years starting from 2011, depending on the price of natural gas, under the bill's language. The 174-page bill creates sweeping reforms, including new disclosure standards for the chemicals used to tap the gas, lengthened setbacks to keep wells more distant from homes and waterways, and standards for emergency containment. But even some of its supporters have expressed concern about the bill's implications for local land-use rules. The state will now set the standards for where and when drilling can happen, giving drillers and gas processors broad access for their work. That may lead to lawsuits from several Pittsburgh-area communities trying to retain long-standing power over those decisions. "When you remove zoning and land use at the local level, there's really nothing else for a municipal government to do," said Brian Coppola, a supervisor in Robinson in Washington County, one of the municipalities considering legal action. "You've turned a whole system upside down, not just the drilling. ... It's gutting our entire system. It's a big deal." Gov. Tom Corbett helped push those rules through the General Assembly in an effort to create more uniform rules for drillers and to court their business across the state. He will sign the legislation, he said in a statement released less than 15 minutes after the House approved the bill 101-90 yesterday. It took nearly three months for the House and Senate to merge different bills, with the Senate approving it 31-19 on Tuesday.

From Early Bird Webinar to examine Marcellus Shale gas development impacts on transportation UNIVERSITY PARK — A Web-based seminar sponsored by Penn State Extension will examine how Marcellus shale natural gas development in Pennsylvania is affecting transportation patterns in the state. The 75-minute webinar will begin at 1 p.m. Feb. 16. Presenters include Scott Christy, deputy secretary for highway administration with PennDOT; and Mark Murawski, Lycoming County planning and community development director and longtime transportation planner. Christy will discuss the statewide ramifications of the Marcellus play on commonwealth roads and highways. Thousands of trips made by water trucks, seismic trucks, drilling rigs and construction equipment to and from Marcellus fields are allegedly having a serious impact on transportation patterns and road maintenance. Murawski will provide information regarding transportation effects on the locally owned road and bridge system in Lycoming County. He will highlight the changes to commercial and general aviation service at the Williamsport Regional Airport and to rail freight service that have resulted from Marcellus Shale gas-exploration activity. "In addition, I want to inform webinar participants on a major initiative to develop a regional compressed-natural-gas fueling facility in the Williamsport area that will benefit River Valley Transit operations," Murawski said. "It will spur other vehicle-fleet conversions from diesel to natural-gas fuels to fully utilize this local energy resource beneath our feet."

From Early Bird East Huntingdon residents want water, sewage Several East Huntingdon residents have questioned township supervisors about bringing water and public sewage to various parts of the municipality. Residents were hoping public water might be available soon to the areas along Chaintown, Morgan and Cottom roads, and public sewage to the Scottdale/Smithton Road area. Supervisor Howard Keefer said the township needs to get representation on the Westmoreland/Fayette Municipal Sewage Authority board before any expansion into the township is explored. "We have to get the plant revitalized and up to code before we can hook in any new customers," he said. The estimated completion date for the project is May 2015. Keefer said preliminary engineering work looking into the expansion of the system into the East Huntingdon area has started, but a cost study must be done, and funding must be located.

From Early Bird New Ken to pour over details of water authority offer New Kensington officials hope careful consideration of a purchase offer for the city's water authority and involvement of the authority's board members will prevent the extended drama that surrounded sale deliberations seven years ago. Council members on Wednesday said they agree with Mayor Tom Guzzo that the appointed board members of the Municipal Authority of New Kensington should be involved in reviewing the proposal sent by the Municipal Authority of Westmoreland County. The details of that proposal have not been released, but Guzzo confirmed it included a monetary offer for the New Kensington authority plus stipulations regarding employees and customer rates. Guzzo and council members concur the next steps should include meeting with the city authority's board and having the authority appraised.

HARRISBURGH PATRIOT NEWS

From Early Bird Pennsylvania Department of Environmental Protection fines Avian & Feline Hospital in Lower Allen Township for violating radiation rules The Pennsylvania Department of Environmental Protection today said it has fined the Avian & Feline Hospital in the 3300 block of Hartzdale Avenue \$10,000 for failing to correct "a multitude of violations" DEP said that during a March 2011 inspection the agency discovered the hospital was using tape to fix the controls that restrict the width of the X-ray beam on a portable unit. The hospital also used the same settings on the X-ray machine for all small animals, and failed to register an X-ray machine with the state, DEP said. A second inspection in June showed the hospital had still not registered the X-ray machine. DEP said the alignment and settings of the portable X-ray machine were also still improperly set. DEP also fined Bowser Dentistry LLC of York \$12,840 for failing to register X-ray machines that were used to evaluate dental patients from 1992 through 2010. DEP said it had issued a notice of violation to the dentist in September, 2011. The X-ray devices in the office were uninspected for the entire eight years because the machines had never been registered, DEP said.

SCRANTON TIMES-TRIBUNE

From Early Bird Drillers cited for 3300 environmental violations in 4 years Marcellus Shale drillers in Pennsylvania were cited for more than 3,300 violations of state environmental laws in the last four years, according to a tally released Wednesday by the environmental organization PennEnvironment. The data, compiled from state records, revealed a wide array of violations committed by 64 different companies. More than two-thirds of the violations were for problems likely to have an environmental impact while less than a third were related to paperwork or permitting, according to PennEnvironment's sorting of the codes the state uses to designate violations. The organization removed duplicate violation data and looked to descriptions or legal citations in violation reports to interpret violations classified under non-specific codes by state regulators, PennEnvironment spokeswoman Erika Staaf said. Erosion and sedimentation problems were the most common source of environmental violations, with 625 citations, followed by faulty pollution prevention controls (550), improper waste management (340), and pollution discharges (307). PennEnvironment found that Cabot Oil and Gas Corp. had the most violations with 412, including 161 in 2011 - the most violations by a Marcellus Shale driller last year. Chesapeake Appalachia, Chief Oil and Gas, and Talisman Energy USA all had more than 300 violations during the four-year study period, although Talisman cut its violations from 154 in 2010 to just 30 in 2011, according to the report. Of drillers with more than 10 Marcellus wells in the state, XTO Energy, an ExxonMobil subsidiary, had the highest rate of violations, with an average of three violations for every well it drilled. Staaf said the study "demonstrates that Marcellus Shale gas drilling companies are either unable or unwilling to comply with basic environmental laws that have been put in place to protect the health and environment of Pennsylvanians." The organization called on state leaders to halt shale gas drilling until companies prove it can be done safely. The Marcellus Shale Coalition, an industry group, said PennEnvironment lost all credibility when it circulated a photo of a flooded drilling rig from Pakistan last fall and mistakenly described it as a Marcellus Shale operation. "Natural gas development, which supports nearly 229,000 jobs in the Commonwealth, is aggressively and tightly regulated," coalition spokesman Steve Forde said. "Suggesting otherwise may grab a headline or two, but such claims are simply not supported by the facts."

TOWANDA DAILY REVIEW

From Early Bird Pickett says impact fee to address concerns of local communities (Submitted by Rep. Tina Pickett) Pickett supports legislation. To ensure that local communities have resources available to help offset the impacts caused by drilling activities in the Marcellus Shale region, Rep. Tina Pickett (R-Bradford/Sullivan/Susquehanna) has voted in favor of legislation in the state House to allow counties the option to impose a local impact fee. Under House Bill 1950, counties will have the authority to impose an impact tax on natural gas drilling companies within their areas. That revenue will be split between the communities hosting wells and the Commonwealth for a variety of infrastructure and environmental programs. "The large majority of Pennsylvanians support an impact fee to directly deal with the effects of drilling in our communities," Pickett said. "Although drilling has given way to tremendous economic development opportunities, our communities need financial assistance in dealing with its impacts, including road and bridge repair and to address housing shortages caused by the influx of new residents." At the local level, 60 percent of the fee remaining after state allocations are made will be used for local roads and bridges, water and sewer system construction and/or repair, emergency response for training, equipment and/or recruitment, preservation of water supplies, projects aimed at increasing the availability of affordable housing, county conservation districts, delivery of social services, local planning, local tax reduction, and training for local workers to obtain jobs in the oil and gas industry. Specifically, Pickett pointed out that 50 percent of the revenue directed to the Pennsylvania Housing Finance Agency must stay in fifth through eighth-class counties, including Bradford, Sullivan and Susquehanna counties.

WILKES-BARRE CITIZENS VOICE

From Early Bird Impact fee bill wins final approval HARRISBURG - State lawmakers wrapped up a lengthy political battle Wednesday giving final approval to a bill establishing a county-option Marcellus Shale drilling impact fee and state review of local drilling ordinances. The House voted 101-90 to send the measure to Gov. Tom Corbett, who said he looks forward to signing it. The Senate approved the same bill Tuesday. The Republican-negotiated measure was blasted by critics as a giveaway to the gas industry and defended by supporters as balancing the needs for job creation and environmental protection created through the Marcellus drilling boom in Northeastern Pennsylvania and elsewhere. So ends a chapter that began when former Gov. Ed Rendell proposed a state severance tax on natural gas production as the Marcellus boom got under way. Taking office a year ago, Corbett declared a severance tax unacceptable and leading Republican senators responded by proposing an impact fee. What emerged out of a House-Senate conference committee earlier this week is a comprehensive bill that also provides for the first major rewrite of environmental laws regulating gas drilling in a quarter century. The measure allows counties with active Shale wells to levy fees on drillers to offset the public costs of drilling operations. The measure exempts so-called stripper or low-producing wells "incapable of producing more than 90,000 cubic feet of gas per day during any calendar month." County commissioners will take the lead in enacting impact fees, but the bill gives municipal officials an avenue to pursue an impact fee if commissioners don't want one. Half of the municipalities in a county could vote to authorize a countywide impact fee in that situation. Commissioners could enact an impact fee starting 60 days after the law takes effect. Officers of the County Commissioners Association of Pennsylvania said Wednesday the municipal override provision is acceptable to them. The association endorsed the impact fee bill as a way to generate revenue for bridges and roads, emergency management, human services and court costs. An analysis by the Democratic House Appropriations Committee estimates the total revenue yield from an impact fee at \$178 million the first year increasing to \$302 million in the fourth year based on an effective tax rate ranging between 1.4 percent to 2.5 percent.

WILLIAMSPORT SUN-GAZETTE

From Early Bird 'American success story' Corbett praises plant. MILTON - Gov. Tom Corbett said Minuteman Environmental Services Inc. represents the sort of company that helps the state move forward economically. The governor used a visit Wednesday to the company in Milton's industrial park to defend his budget plan and encourage more innovative entrepreneurship. "This is an American success story right here," he said, while standing with Brian Bolus and his family at the company's plant site. Bolus started the business as a single proprietorship more than 20 years ago with just one truck. It since has grown to a fleet of more than 200 trucks and some 150 employees. Minuteman hauls fresh water to Marcellus Shale sites for hydraulic fracturing in addition to other services in support of gas drilling and other types of companies. Corbett said it's an example of a company that has taken advantage of the state's gas industry, which did not exist 10 years ago. The governor said people looking for jobs should consider taking advantage of new job opportunities. He noted that many people without college degrees can make good money working as truck drivers and welders. His own son, he said, has a master's degree in architecture, but does not work in that field. Instead, he works in the entertainment business. Corbett noted that the state graduates 12,000 teachers from colleges for just 3,000 vacancies in Pennsylvania. "We've got to start thinking differently," he said.

WNEP-TV

From Early Bird Governor: New Budget Promotes Growth One day after his budget address, Governor Corbett visited a company in Northumberland County to show how creating jobs works. The company in Milton has grown thanks to the Marcellus Shale Industry. We were there when the governor toured the company. The governor came to Central Pennsylvania because he wanted to show how economic opportunity works in Pennsylvania if you have the right environment. He

thinks he found the perfect example in Milton. Governor Corbett chose Minuteman Environmental Services in the Milton Industrial Park to start promoting his new budget. A budget he said promotes the kinds of growth the company has seen. “Most of it, as I said, now is a result of the development of the natural gas that we didn't know we had here ten years ago,” said Corbett. Brian Bolus, 41, started the company years ago as a towing business. The fleet of one of the first tow trucks Bolus started out with some 15 years ago is now close to 200 trucks and he expects the growth to continue. “The towing company August 2010 we decided to get out of it. We were too big to sell it and ah, we took all that money from the auction and put it into oil and gas and here we are today,” said Bolus. Minuteman has evolved from a towing truck company to a company that now provides hauls fluids and equipment for the Marcellus Gas Industry. One-hundred-fifty-eight workers, with plans to hire 100 more, five million in business. “I jumped at the opportunity cause there's plenty of growth and opportunity here,” said minuteman worker Josh McCaffery.

EASTON EXPRESS TIMES (LEHIG VALLEY LIVE)

From Early Bird EDITORIAL: Corbett, Pa. Legislature take the low road on natural gas impact fees, regulation Just in time for Valentine’s Day, the Pennsylvania Legislature and Gov. Tom Corbett have put together a sweetheart deal for the natural gas drilling industry — a package of impact fees that ranks among the lowest in the nation, and yanks local zoning control from municipalities affected by drilling. The Senate passed an impact fee bill Tuesday. The House voted 101-90 Wednesday to send the measure to Corbett’s desk. Democrats weren’t included in talks, and public hearings were bypassed to get the deal done. To view this as a positive move — adopting fees less than half those charged in Texas and West Virginia, for example, while Corbett proposes steep cuts for higher education and public welfare programs — is to say it is better than nothing. “Nothing” is what Pennsylvania has had in place since the “fracking” search for gas in Marcellus Shale deposits began in the state in 2008. To be sure, there are benefits — funds to offset the wear and tear on roads and clean up spills. Sixty percent of revenues would go to the locals, 40 percent to the state. The bill seeks to jump-start dormant refineries and pay for preservation of open space. Yet the balance is tipped heavily toward the industry. The impact fee, estimated at between 1 percent and 3 percent, takes local zoning control away from towns to regulate drilling-related development. Counties will have to vote “yes” to enact the fees. While the economic infusion is welcome — especially in areas that have suffered job losses for decades — there is no evidence to suggest drillers would abandon Pennsylvania if they had to pay a fee or tax that would do more to help rebuild the state and get it through a recession. We agree that overtaxing an industry to prop up current expenses is a fool’s way to balance a budget, yet the industry had no problem with a reasonable extraction tax. Corbett’s resistance seems more attuned to campaign donors and his signing of Grover Norquist’s “no tax” pledge than the needs of everyday Pennsylvanians — many of whom will face higher local taxes as a result of state budget cuts.

From Early Bird Pennsylvania Public Utility Commission plans to expand oversight rules on natural gas pipeline State regulators are moving toward stricter oversight of natural gas pipelines, though officials say that effort began before the Allentown explosion that killed five people one year ago today. "We've been really taking a close look, partly because of some of the tragic incidents, but also because of the expansion of Marcellus Shale in the state," said Jennifer Kocher, spokeswoman for the Pennsylvania Public Utility Commission. The PUC is currently accepting public comment on a proposal that would require natural gas utilities to annually submit pipeline replacement and performance plans. If the new rules --proposed on Nov. 10-- take effect, utilities with intrastate operating revenues of more than \$40 million would have to file plans this spring or summer with final approval scheduled for late 2012 or early 2013. The plans basically require utilities to submit replacement time frames for aging pipes as well as updates on damage prevention and corrosion control efforts. The PUC said it is also enhancing “frost patrol” reviews — winter surveys that gas utilities conduct to assess how safely pipes can endure freezing temperatures — to demand more frequent and detailed updates

From Early Bird Commentary: Pa. deserves a 'fair share' bill for natural gas development What does the Marcellus Shale industry mean to the Lehigh Valley and all of Pennsylvania? Aside from a handful of groups that rely on permanent crisis for support, people in this state realize the importance of this new energy resource. The natural gas being extracted from the shale two miles underneath us is providing jobs, energy independence and, to the surprise of many, tax revenues — \$1.4 billion in state and local taxes during 2009-10 alone. Some critics talk about how Gov. Tom Corbett should make the drillers “pay their fair share.” But what does “fair share” mean? Is it the more than \$76 billion shale gas contributed to GDP in 2010, expected to increase to \$231 billion in 2035? Or the 600,000 jobs the industry supported in 2010, expected to grow to more than 1.6 million by 2035? (This according to the December 2011 IHS Global Insight Inc. study, “The Economic and Employment Contributions of Shale Gas in the United States’’) Or is it the spinoffs that have created a boom in support industries, from engineering to environmental services to pipe manufacturing to residential and commercial construction? When critics say “fair share,” they mean they want dollars from the prosperous gas industry to pay or subsidize other industries and projects. Some critics are falsely saying the state is providing billions in subsidies to the fossil fuels industry. Some want to focus subsidies on expensive renewable sources of energy. But what about the impact on Pennsylvania families? In the Lehigh Valley, engineering firms and support businesses are expanding because of jobs in the Marcellus fields, while reducing carbon emissions.

SUNBURY DAILY ITEM

From Early Bird Corbett: Low taxes help generate jobs MILTON -- With a backdrop of Minuteman Environmental Services trucks and charts depicting state spending, Gov. Tom Corbett said Wednesday that his proposed fiscal 2012-13 budget is a realistic plan that will help create jobs while holding the line on spending. "The more people we can get back to work, the better," the governor said before about 100 Minuteman employees at the bay of the \$5 million trucking operation. "How do we do that? By keeping taxes low. We keep taxes low, we'll grow the economy." Saying the budget is structured "the way you build your household budgets -- you spend no more than you have," Corbett presented a pie chart that shows for every dollar Pennsylvania collects in taxes, 40 percent goes to education, 38 percent to welfare programs, 7 percent to corrections and 13 percent to whatever remains. "If we raise taxes, businesses will need to decide if they'll grow here," he said, adding that Pennsylvania has the second highest corporate income tax in the country. Higher taxes would keep new business from coming to Pennsylvania and stagnate those already here, he said. Minuteman owner Brian Bolus, who led the governor on a tour of his operation, said no new taxes was the best news by far he has heard in Corbett's proposed \$27.1 billion plan. He said he hopes to add about 50 employees in the near future.

WJAC-TV JOHNSTOWN

From Early Bird Impact fee on drilling could bring millions to Clearfield County CLEARFIELD COUNTY, Pa. — After months of debating the Pennsylvania House decided to pass legislation on imposing impact fees on Marcellus Shale companies to Governor Tom Corbett. In three days the bill has quickly made its way to its current standing. On Monday evening there was a conference committee meeting to move the Republican-negotiated legislation forward. On Tuesday the bill passed the state senate. Wednesday afternoon it also passed the House of Representatives 101-90. Imposing impact fees on drilling companies is not unheard of across the country. Pennsylvania is one of the last states that has not imposed the fee that is seeing the effects of the drilling industry. 6 News covers 10 counties in the coverage area. They include: Blair, Huntingdon, Centre, Clearfield, Elk, Jefferson, Cambria, Bedford, Somerset and Indiana. In those counties, Clearfield County recently has seen the most drilling. According to the Department of Environmental Protection, from January 2011 through November 2011 there were 116 permits issued in the county. Of those permit issued, 56 wells were drilled. As the industry continues to boom in the county, Clearfield County commissioners are hopeful that the governor will sign the bill into law. "If this passes, and even though it is based on the sliding scale of the price of gas, with the number of wells that we have here in Clearfield County, we will see millions of dollars," said Commissioner Joan Robinson McMillen. According to the Department of Environmental Protection, the number of wells drilled in Clearfield County has sky-rocketed

in recent years.

STATE IMPACT PENNSYLVANIA

From Early Bird Corbett's Budget Would Cut DEP Spending As we continue monitoring House debate on a Marcellus Shale impact fee, here's a look at how the Department of Environmental Protection and Department of Conservation and Natural Resources fared in Governor Corbett's proposed budget.

Mapping Counties' Impact Fee Money

When the first round of natural gas impact fee payments is collected on September 1, how much money will each county receive? Click on our interactive map to find out. Based on 2011 natural gas prices, drillers will pay \$50,000 for every horizontal well "spudded" before 2012, and \$10,000 for each vertical well. According to State Impact Pennsylvania's projections, which are based off the Department of Environmental Protection's latest "spud report," the fee will generate more than \$200 million, with nearly \$50 million coming from Bradford County, alone. 60 percent of the revenue will stay at the county and municipal level, with 36 percent of the local pot going to counties, and rest distributed among townships and municipalities. That means Bradford County would keep about \$10.5 million of its 2011 collection, if it chooses to enact a fee within its borders. On the low end of the spectrum, Lackawanna County will generate \$2,000 from two vertical wells, and keep about \$4,000 for county use.

ASSOCIATED PRESS (Pa.)

From Early Bird Pa. House sends major gas-drilling bill to Corbett HARRISBURG (AP) — Gov. Tom Corbett is expected to sign a sweeping bill that could force Pennsylvania's booming natural gas industry to help pay for a wide range of state and local government programs, toughen safety standards and limit the ability of local officials to keep drilling out of their towns. The state House of Representatives' vote came more than three years after the exploration industry, armed with new technology, descended on Pennsylvania and began pouring billions of dollars into tapping the Marcellus Shale natural gas formation, the nation's largest-known natural gas reservoir. The 174-page bill was negotiated among Republicans and unveiled Monday. It passed the House on Wednesday, 101-90, and the Senate on Tuesday, 31-19, largely along partisan lines. Only seven Democrats voted for it, while 13 Republicans voted against it. Pennsylvania is the largest natural-gas producing state that doesn't impose some type of levy on the activity. Still, Democrats complained bitterly that the bill asks the industry to pay a meager price for extracting a valuable natural resource while it strips municipal officials of the kind of authority to control drilling that even towns in Texas enjoy. Republicans insisted the bill strikes a careful balance between cultivating an enormous economic boost and protecting the environment, and that Pennsylvanians cannot wait any longer to update decades-old laws that never envisioned such deep, widespread drilling that generates huge volumes of often-toxic wastewater. This legislation reaffirms our strong commitment to safe and responsible natural gas development here in Pennsylvania," Corbett said in a statement shortly after the House vote.

DELAWARE COUNTY DAY TIMES

Pa. shale fee bill goes to gov; may violate Corbett's 'no-tax' pledge HARRISBURG — A more than three-year legislative battle ended with the Pennsylvania General Assembly passing a comprehensive Marcellus shale policy this week and sending the compromise bill to Gov. Tom Corbett. Corbett is expected to sign it, but when he does, he will be violating a pledge taken during the 2010 gubernatorial campaign to not raise taxes — and he's not alone. The state House voted 101-90 for the bill Wednesday afternoon, following a 31-19 vote in the state Senate on Tuesday. The bill had been voted out of a conference committee Monday, and no amendments were allowed before the chambers voted. If signed, the bill will implement a new assessment on natural gas drillers operating in the state, which can be authorized by the counties that host drilling. The bill also:

GANT DAILY

PennEnvironment Blasts Marcellus Impact Fee Legislation HARRISBURG — In a move supported by the gas and oil industry, the Pennsylvania state House voted in favor of Marcellus Shale legislation that environmental groups, local officials, public health experts and tens of thousands of residents have opposed for months. "Today our politicians in Harrisburg cast a historic vote against our environment and public health," said Erika Staaf of PennEnvironment. "This Marcellus Shale legislation will put more Pennsylvanians, their children and our most vulnerable populations at greater risk to the hazards of Marcellus Shale gas drilling." "If legislators were looking to pass a proposal that will allow more gas drilling near people's homes, and the parks, playgrounds and schools where our children play and spend their days, then 'Mission Accomplished,'" Staaf added. The bill, a conference committee-revised version of House Bill 1950, has been widely criticized for provisions that strip local control; set one of the lowest impact fee rates in the nation; and underfunds environmental programs facing massive shortfalls.

FARM AND DAIRY

Bill could help PA landowners clarify mineral rights ownership... The bill is supported by the Pennsylvania chapter of the National Association of Royalty Owners. "The rights of those mineral owners are protected under law and we don't want to step on that," said Jackie Root, chapter president. "However, there's a lot of complicated issues in Pennsylvania when it comes to 'severed' rights." Root and her husband Clifford, own a 400-acre crop and livestock farm with a producing **Marcellus gas well** in Lawrenceville, Pa. She said the bill gives property owners "a little bit of a jump" on cases involving long-standing mineral rights ownership. Yaw said the bill "takes nothing away" from subsurface owners who still have legitimate ownership of the minerals.

POTTSTOWN MERCURY

Impact fees coming for natural gas extractors

HARRISBURG — The result of a four-year-long debate over Marcellus Shale drilling in Pennsylvania came to a head Wednesday, and a bill imposing impact fees on drilling companies now lies on the governor's desk. The bill passed in the House by a 101-90 vote. If Gov. Tom Corbett signs it, it could generate as much as \$180 million in the first year. These revenues would go to fund government programs aimed at protecting the environment from potentially harmful fracking — the method of using pressurized water to extract natural gas. According to State Rep. Marcy Toepel (R-147th of Montgomery County), Pennsylvania is the only major gas-producing state that does not tax the taking of these resources from its soil. "This legislation is a practical solution to help uphold local jobs, fund infrastructure repairs and environmental clean-ups, and give county governments the power to impose the fees on their local wells," she said in a news release. Largely opposed by state Democrats, the 174-page bill was negotiated among Republicans to impose the levy on drilling activity in the Commonwealth. Nonetheless, some Democrats have been steadfast in their aversion to the entire practice of Marcellus Shale drilling, citing environmental repercussions on rock erosion, water quality and wildlife.

WASHINGTON, D.C.

WASHINGTON POST

From Early Bird CBO report becomes Republicans' ammunition to continue pay freeze A Congressional Budget Office report issued last week has become Exhibit A in Republicans' efforts to extend a freeze on federal pay rates and limit retiree benefits. The main take-away from the report: "Overall, the federal government paid 16 percent more in total compensation than it would have if average compensation had been comparable with that in the private sector, after accounting for certain observable characteristics of workers." That average covers big exceptions and includes benefits, although the CBO acknowledges that comparing benefits is an "uncertain" exercise. CBO found that only federal workers with no more than a high school education actually earned less than private-sector counterparts. Employees with a bachelor's degree earned about the same, and those with advanced degrees are paid about 23 percent less. Whatever the nuances, House Republicans didn't need the CBO report in December, when they approved offsetting the cost of a payroll tax-holiday extension in part by adding another 12 months to the current pay freeze. Yet more than studies produced by conservative think tanks, the report by the independent CBO was a gift to Republicans who have long sought to reduce the federal payroll. On Feb. 1, during the debate before the House approved legislation adding another 12 months to the federal pay freeze, Republicans repeatedly used the CBO report as ammunition. "I think it is important to also look at the facts behind federal employees as they are compared to the private sector," said [Rep. Sean P. Duffy \(R-Wis.\)](#), the bill's sponsor. "The Congressional Budget Office came out, and they've said that federal employees make 16 percent more on average than the private sector. . . ." That doesn't make sense. And I hear a lot of conversation from my friends across the aisle about fairness and parity. Well, I think you should start to use the term 'fairness' today. There should be parity between the private sector and the public sector."

From Early Bird [D.C. rat summit: Another day in the sun for city's rodents](#) Now, Virginia Attorney General Ken Cuccinelli II (R) says his office will help coordinate a meeting of regional governments to address the rat problem. And in true D.C. fashion, the Washington Examiner and other media have dubbed it a "rat summit." At the summit — the date and place have not yet been set — Cuccinelli also plans to discuss his criticism of D.C.'s animal control law. Called the Wildlife Protection Act, the measure was approved in 2010 but has not yet been fully implemented. Rats most recently made the news when city officials expressed concern about unsanitary conditions at the Occupy D.C. camps at McPherson Square and Freedom Plaza. When U.S. Park Police raided the McPherson encampment Saturday, a biohazard check turned up dead rats among the detritus. Cuccinelli claims that the law would force D.C. pest-control workers to cross the border and dump their rats and other wild animals into the unsuspecting Maryland and Virginia suburbs, potentially exposing suburbanites to Lyme disease, rabies and other animal-borne ailments. "Like others, I want to ensure the humane treatment of animals, but when it comes to rodents and other animals that often carry diseases, human health must come first," Cuccinelli wrote in an e-mail to The Washington Post. The law actually would allow "commensal rodents" — types of mice and rats that live in close contact with humans — to be destroyed. But critics of the law have argued that some other rodents are on the "protected" list, including the deer mouse and rice rat — two species whose stomping grounds include the D.C. area. That would make it difficult for pest-control workers to use lethal traps for rats, since those devices obviously couldn't differentiate between the exempted and protected species. Officials in D.C.'s Department of the Environment, which will enforce the law, said they plan to consider all rodents exempt from the law's protective provisions. Even if rats and mice weren't exempt, it is unlikely that pest-control workers would release live rodents from their traps into the D.C. suburbs, said Bruce Colvin, a national consultant on rodent control issues who helped draft the District's rodent control plan 12 years ago. "That just doesn't happen," he said. "Pest-control personnel usually end up handling dead rats, not live ones."

From Early Bird [Earmark investigation: Rep. Norm Dicks and Puget Sound](#) Olympia, Wash. — In January 2007, [Rep. Norm Dicks \(D-Wash.\)](#) became chairman of a congressional subcommittee that gave him the power to secure millions in federal funds to environmental projects in his district. Six months later, the congressman requested millions of dollars to clean up Puget Sound — a vital but polluted system of waterways in his home state of Washington, according to White House records. His interests on behalf of the sound aligned with those of his son, David Dicks, who at the time was interviewing to be executive director for a newly created state agency, the Puget Sound Partnership. In August 2007, he got the job, which required him to develop a plan for coordinating state and federal efforts to clean up the nation's second-largest estuary, which is only overshadowed by the Chesapeake Bay.

From Early Bird [Congress and earmarks: What does it mean for my district?](#) Thirty-three members of Congress have directed more than \$300 million in earmarks and other spending provisions to dozens of public projects that are next to or within about two miles of the lawmakers' own property, according to [a Washington Post investigation](#). [View the full results](#) of the Post investigation, and then chat with the Post's David Fallis, Scott Higham and Kimberly Kindy to get details. Ask questions about the investigation, including what they found, what it means for your district, the legality of the earmarks and more. Submit questions, comments and opinions now.

DELAWARE

WILMINGTON NEWS JOURNAL

From Early Bird [Corps forges ahead on Delaware River deepening](#) The U.S. Army Corps of Engineers said Wednesday it will sink about \$16.9 million this year into the deepening of the Delaware River's main shipping channel. The move is a clear sign that the 103-mile project is gathering steam despite budget criticisms and environmental protests. The largest infusion of public cash in several years for the \$267 million deepening project followed strong behind-the-scenes lobbying by Gov. Jack Markell and Delaware's congressional delegation. The politicians had been far more guarded in their public support for the controversial deepening in past years. Things changed in 2011, after Delaware lost a challenge to the Corps' power to dredge without state permits, and after the Corps' environmental studies passed muster with the Environmental Protection Agency and Department of the Interior. By late in the year, with dredging already under way, Markell and all three of the state's members of Congress were pressing the Corps to include the deepening in its work plan for the fiscal year that ends Sept. 30. That appeal put Delaware squarely in the middle of a national scramble for money from new "special accounts" created by Congress after a moratorium on budget earmarks for pet projects. "It's earmarking by another name," said Maya van Rossum, who directs the Delaware Riverkeeper organization, a conservation group that has fought the deepening for years. "Call it a slush fund, call it whatever you will, it's a way to skirt the ban on earmarks, and the Delaware River is one of the poster children." Delaware officials saw things differently. "This project will have a significant, positive economic impact on Delaware and the region," Sen. Tom Carper, D-Del., said in a joint statement with Sen. Cris Coons and Rep. John Carney, fellow state Democrats. "Investments like this one are critical to the long-term development of the Port of Wilmington and Delaware, as well as the other states along the Delaware River, to help us continue our economic recovery and to stay competitive."

From Early Bird Stalled Nanticoke dredging gets \$1.8 million in funding The Nanticoke River dredging project, in limbo since last year because of a financial shortfall, will receive \$1.8 million in federal funds, officials announced Wednesday. The U.S. Army Corps of Engineers will perform the maintenance dredging of a long stretch of the river, which hasn't been dredged since 1990. The river has a depth of about 9 1/2 feet in some areas. The maintenance dredging would return it to 12 feet. Business leaders in western Sussex County say it's vital to increasing shipping. "This project has been long in coming," said County Council President Mike Vincent, R-Seaford. "Now that the funding is falling into place ... it will guarantee commerce continues to flow on the river for many, many years to come." The funding was announced late Wednesday by Delaware's congressional delegation. "Jobs will be created, and businesses that are struggling will get a boost as a result of barges being able to easily navigate the river, and I'm glad that this project has been deemed safe for the environment," said Sen. Chris Coons, D-Del. The Corps of Engineers performs and pays for the dredging itself, but the county is responsible for finding a disposal site for the material dredged up. The county purchased an old golf course near the river to be used as a disposal site. Part of it will be turned into the county's first public park, with walking trails on the unused portion of the property.

From Early Bird Del. waste recycler sold to national firm A big national recycling company has bought its way into the Delaware market, and says it expects to show solid growth here over the next few years. Canusa Hershman Recycling recently purchased most of the major assets of First State Plastics of New Castle, which now will be known as the CH Delaware Plastics Division. First State, which employs 33 people, will see its mid-Atlantic business grow under its new owner, said Bruce Spaziani, manager of Canusa Hershman's plastics division. "We're hoping that we're going to be somewhere in the ballpark of 100 employees ... within the next few years," he said Wednesday. Canusa Hershman, which specializes in recycling industrial plastics and fiber, already has operations elsewhere on the East Coast and in California. "We're one of the largest independently owned recycling companies in North America," Spaziani said. The company buys, recycles and sells more than 100,000 tons of fiber a month, and between 12 million and 15 million pounds of plastic. Formerly known as First State Recycling of Delaware, First State has been in business since 1994, and processes more than a million pounds of plastic a month. "Geographically, it just makes sense for us" to purchase First State, Spaziani said. "We're growing fast now. I expect within a year we'll be at 2, 2-and-a-half million pounds a month." The purchase includes First State's 98,000-square-foot facility on River Road, a warehouse and office space as well as processing equipment and trucks. The purchase price is confidential, Spaziani said.

UNI VERSI TY OF DELAWARE

Environmental writer Tom Horton to address educators --The Delaware Association for Environmental Education (DAEE) will hold its third conference, which is focused on "Turning the Tide toward Environmental Education," from 8 a.m.-4 p.m., Saturday, Feb. 25, at the Officer's Club in Cape Henlopen State Park in Lewes, Del. The one-day conference will kick off with a keynote address by Tom Horton, an award-winning environmental educator and writer. Horton is well-known for writing about environmental issues for the *Baltimore Sun* and has penned several books on the Chesapeake Bay as well as articles for *National Geographic*, *Rolling Stone*, and many other magazines.

WEST VIRGINIA

CHARLESTON GAZETTE

From Early Bird 3 W.Va. plants latest to close under utility restructuring CHARLESTON, W.Va. -- Three FirstEnergy power plants in West Virginia will close in September in the latest move by a utility to shutter decades-old units that can't meet new federal air quality standards that limit mercury and other toxic pollutants. Akron, Ohio-based FirstEnergy said it would shut down the Albright Power Station in Preston County, the Rivesville Power Station in Marion County and the Willow Island Power Station in Pleasants County. Together, seven boilers at the three plants have electric generating capacity of about 660 megawatts, about the equivalent of a medium-sized modern coal plant. All three facilities date back to the 1940s and 1950s. They were not equipped with the latest pollution control devices, and FirstEnergy used all three in recent years on a very limited basis to provide power in times of peak demand. James R. Haney, president of West Virginia operations for FirstEnergy, cited high costs to implement the U.S. Environmental Protection Agency's Mercury and Air Toxics Standards as the reason for his company's action. FirstEnergy said 105 employees at the plants are affected, but that some will be considered for openings within the company or may accept special retirement packages. The EPA air toxics rule has become a new focus for industry officials, coalfield business groups and regional political leaders who complain the Obama administration is waging a "war on coal" aimed at shutting down all mining. "This is another example of how the EPA is costing us good jobs in West Virginia and throughout Appalachia," Gov. Earl Ray Tomblin said in a prepared statement. EPA Administrator Lisa P. Jackson says the rule was needed to cut emissions of mercury and toxic air pollutants like arsenic and cyanide. EPA estimates the new standards will prevent up to 96 premature deaths in West Virginia, while creating up to \$790 million in health benefits in 2016. Also, EPA officials note that proven pollution controls are already available -- and in use at more than half of the nation's power plants -- to meet the new limits.

From Early Bird Blog: What's going on at Blair Mountain? Well, the folks at the Sierra Club just issued a press release headlined, "Is Arch Coal About to Mine Historic Blair Mountain? Local and National Groups Rally to Townspeople's Defense." They say: *Residents of Blair, West Virginia have noticed increased activity from mining company Arch Coal around the historic Blair Mountain Battlefield site. Members of the town have become more and more concerned about Arch's activities and fear they are moving forward with plans to mine the Blair Battlefield site. There have been reports of proposed buy outs of resident's property, increasing industrial activity in the area and other preparations indicative of a move towards mining operations on the battlefield itself. Blair Mountain is the site of the largest civil insurrection in American history since the Civil War. In 1921 more than 10,000 coal miners fought forces backed by mining interests in an attempt to organize unions in Logan and Mingo County.* It's interesting ... because nearly a dozen people I've talked to today — including some with close ties to the Sierra Club and other environmental groups — have told me when I asked that they don't really know what's going on. Even local folks who are watching developments very closely aren't sure that the increased activity is any indication that strip-mining of the site is imminent. (One even told me it's possible that the movement is in preparation for planned longwall mining underground).

From Early Bird Government to seek stiff sentence for Massey security chief CHARLESTON, W.Va. -- Federal prosecutors signaled Wednesday that they plan to seek a stiff prison sentence for a former Massey Energy security director convicted of lying to investigators following the Upper Big Branch Mine Disaster. U.S. Attorney Booth Goodwin's office outlined its intention in a brief court filing, asking to exceed the normal page limit when it files a pre-sentencing memorandum next week. The court filing said the sentencing of Hughie Elbert Stover, scheduled for Feb. 29 before U.S. District Judge Irene Berger in Beckley, is "an extraordinary case." By statute, Stover could face up to 25 years in prison after being convicted by a jury of two felonies. Federal sentencing guidelines recommend a sentencing range of between 33 months and 41 months, according to prosecutors. Prosecutors said that they plan to ask Berger for a sentence

"substantially above" that recommended by the guidelines. "The circumstances of this case fall far outside the heartland of the advisory guidelines and warrant an above-guidelines sentence," prosecutors said in their new court filing. Stover was convicted in October by a jury that concluded he lied to investigators and then tried to destroy evidence about Massey's practice of warning underground workers when federal inspectors arrived at Upper Big Branch.

From Early Bird Commentary: W.Va.'s glass of water half empty CHARLESTON, W.V.a -- In addition to coal and gas, West Virginia possesses another extremely valuable resource: water. In fact, the state owns the water in all streams and rivers within the state as well as several rivers, such as the Ohio, that border the state. We have all been taught that water is essential for life, although less than 1 percent of the Earth's water is available for us to use. The demand for water for other purposes is escalating. Most people take water for granted until there's not enough. Disasters such as earthquakes and floods draw attention to destroyed aquifers and polluted water streams. Billions of gallons are needed to clean coal and implement the hydraulic fracturing process to force out natural gas -- a process that is projected to increase significantly as the use of natural gas for electricity rises to half of the nation's generating capacity. In Texas, according to The Wall Street Journal, each well using hydraulic fracturing weekly requires enormous quantities of water and companies are scrambling to lock up water supplies. Production for nearly everything consumed requires major water use as well. National Geographic even notes that it takes 2,900 gallons of water to produce one pair of jeans. Meanwhile, as noted by Maureen McAvay of the Urban Land Institute, the U.S. water footprint is huge -- 656,000 gallons per person per year compared to 186,000 gallons in China. The U.S. daily indoor per capita water use is 69.3 gallons. While wasteful use of water is a problem, a second issue is the contamination of our water supply. Our water comes from surface runoff, abandoned coal mines, and underground water that can be affected by conditions hundreds of miles away. Burying trash, slurries, CO2, and drilling fluids including human carcinogens such as methanol, benzene, sulfuric acid, and lead combined with a vast volume of water used in fracking may assist tourism and postpone the day of reckoning, but eventually it aggravates the problem of water contamination caused by various chemicals and household wastes. In Dimock Township, Pa., The Associated Press reports that the Environmental Protection Agency is delivering water where Cabot Gas "has been accused of tainting homeowners wells with methane and possible hazardous chemicals." Furthermore, according to the EPA, nearly half of lakes and reservoirs nationwide contain fish with potentially harmful levels of the toxic metal mercury. The Wall Street Journal notes that livestock and poultry operations generate about 500 million tons of manure each year, or about three times the amount of human waste in the U.S., with much of that waste untreated and deposited into public waterways. The runoff, which can contain E. coli and other bacteria, can threaten human health.

From Early Bird Editorial: Midpoint of Legislature is so far, so good CHARLESTON, W.V.a. -- The Legislature is almost halfway through its 60-day regular session, and progress seems promising. So far, conservative lawmakers haven't pushed their usual attempts to prevent desperate teen-age girls from ending pregnancies -- or to revive the death penalty -- or to punish gays -- or to promote pistol-carrying, and the like. Thank heaven those emotional distractions have been avoided. The biggest accomplishment, of course, was hasty approval of huge property tax cuts for any investors who will build a \$2 billion ethane "cracker," which would spur spinoff chemical plants and create thousands of new jobs. Gov. Tomblin already signed this law arising from the Marcellus Shale gas boom. Another hasty passage -- of political redistricting after the 2010 census -- is locked in for this year, but awaits a U.S. Supreme Court test for future elections.

Blog: Another major study points to questions about whether natural gas offers greenhouse benefits There's a major new study out this week that provides more evidence to support questions about whether natural gas is really better than coal in terms of reducing greenhouse gas emissions and dealing with the climate crisis. I first saw a report of the study on Joe Romm's excellent Climate Progress blog. Joe is calling this a "bombshell study," and he explains: *How much methane leaks during the entire lifecycle of unconventional gas has emerged as a key question in the fracking debate. Natural gas is mostly methane (CH4). And methane is a far more potent greenhouse gas than (CO2), which is released when any hydrocarbon, like natural gas, is burned. Even without a high-leakage rate for shale gas, we know that "Absent a Serious Price for Global Warming Pollution, Natural Gas Is A Bridge To Nowhere."* But the leakage rate does matter. A major 2011 study by Tom Wigley of the Center for Atmospheric Research (NCAR) concluded: *The most important result, however, in accord with the above authors, is that, unless leakage rates for new methane can be kept below 2%, substituting gas for coal is not an effective means for reducing the magnitude of future climate change.*

CHARLESTON DAILY MAIL

From Early Bird Editorial: Irresponsible policy will affect ratepayers What the administration requires will cost Americans a ton of money. The supporters of the Obama administration have a clear vision of the nation's energy future. It involves windmills and solar arrays - but not coal. They don't like carbon. The administration takes no responsibility for whether the resulting power supply will be adequate, reliable or affordable. Accordingly, it has tasked the U.S. Environmental Protection Agency to kill the coal industry and coal-burning utilities as rapidly as possible through regulation. Out in America, however, people are responsible for whether Americans have power they can afford. Nick Akins, president and chief executive officer of American Electric Power, heads a company that serves 5.3 million customers in 11 states. Subsidiary Appalachian Power serves about 500,000 customers in West Virginia and half a million more in Virginia. Customers must understand the disconnect between what the administration wants and what the utility can do to understand what happens to their bills. Akins laid out his concerns about current policy at the University of Charleston Tuesday evening:

- * The EPA wants coal-fired utilities to replace 25 percent of their generating capacity by 2014, a time frame Akins said makes no sense.
- * AEP has spent \$7.2 billion on pollution control equipment in recent years and has cut carbon dioxide and nitrogen oxide emissions by 80 percent.
- * Now the Obama administration demands that the company spend \$6 billion to \$8 billion more to cut the remaining 20 percent of emissions.
- * Doing what the EPA wants would require more contractors than Akins thinks it is possible to find.
- * Furthermore, switching from reliable, low-cost coal to unreliable renewable sources will mean an additional 10 to 25 percent increase in the cost of electricity.
- * Natural gas will help in the medium term, but the nation will still need coal, he said. "If someone is trying to eliminate that, it's just not going to happen."
- * "To not allow the Keystone pipeline and to say no to coal and no to nuclear - then what?" he asked. "For us to continue to make advances, the state regulators need to speak up. It definitely is a challenge for us."

As Akins said, electric power is a "basic necessity of life as we know it." An administration that risks it with irresponsible energy policy should expect trouble at the ballot box.

WEST VIRGINIA STATE JOURNAL

From Early Bird Green project funding available for Chesapeake Bay region More than \$400,000 will be up for grabs this year for Chesapeake Bay watershed communities for the U.S. Environmental Protection Agency's Green Streets--Green Jobs-Green Towns initiative. West Virginia communities in the Chesapeake Bay watershed are among those eligible for the program, a release from the EPA states. "To meet tomorrow's challenges, we need to apply cost-effective solutions for improving the health of the Chesapeake Bay watershed and the economy of our communities," said EPA Regional Administrator Shawn M. Garvin. "Green streets and green infrastructure are investments that create jobs and save money while also providing multiple environmental and quality of life benefits. By helping towns accelerate their local greening efforts, we're moving ahead in creating an America built to last." The \$400,000 in total funding is double what was offered in 2011. The program is open to local governments and non-profit organizations in the Chesapeake Bay region of Maryland, the District of Columbia, Delaware, Pennsylvania, Virginia and West Virginia. The projects are for groups

interested in pursuing "green streets, green infrastructure, and green jobs as part of their community or watershed planning." Each project could receive a grant of up to \$35,000 for infrastructure planning and design and up to \$100,000 for implementation and construction. The request for proposals is available at <http://www.cbtrust.org/> and the deadline for application is March 9. "Many small to mid-sized communities around the Chesapeake Bay watershed are looking for ways to boost local economies while also protecting water resources and expand greening efforts," said Allen Hance, executive director of the Chesapeake Bay Trust. "Building green streets and urban green infrastructure projects marry three important issues that these towns face: jobs, livability, and the environment." A webinar titled "Tools for Greening Chesapeake Bay Communities" will be available Feb. 15 from 1 p.m. to 2:30 p.m.

BLUEFIELD DAILY TELEGRAPH

From Early Bird Facing a 'perfect storm' - Lobbyist predicts coal industry headed for troubled times BLUEFIELD — A mild winter, sluggish global economy and more strict enforcement of federal laws relating to smokestack emissions have combined to create “a perfect storm,” for West Virginia’s coal industry, according to Bill Raney, president of the West Virginia Coal Association. Raney responded to a question concerning Wednesday’s announcement that FirstEnergy Corp., will retire three coal-fired power plants that are part of its Monongahela Power Co., subsidiary in northern West Virginia. Wednesday’s announcement followed a FirstEnergy announcement on Jan. 26, that it was retiring six coal-fired power plants in Ohio, Pennsylvania and Maryland. All nine plants are scheduled to be retired as of Sept. 1, with the idling of the Albright, Willow Island and Rivesville power stations adding another 105 employees who will be impacted by the plant closings in addition to the 529 employees impacted by the retirement of the other six plants slated for closing. “The loss of these 105 jobs at the Mon Power plants are absolutely related to the tighter controls on emissions by the Environmental Protection Agency,” Raney said. “You think of the 105 families that will be impacted by the closing of those plants, and also think of all the coal mining jobs that will be lost as well. “You have the same thing happening in Europe right now,” Raney said. “The sluggish economy decreases the demand for metallurgical coal worldwide. The reduced demand causes a price erosion in met coal markets, and when you add the fact that Australian coal is back on line, the conditions are ripe for a perfect storm for the West Virginia coal industry.”

ASSOCIATED PRESS (W. Va.)

From Early Bird FirstEnergy to close 3 aging power plants in W.Va. CHARLESTON, W.Va. -- FirstEnergy Corp. announced Wednesday it will shut down three aging coal-fired power plants in West Virginia later this year. The company's Monongahela Power subsidiary will retire the Albright, Willow Island and Rivesville power stations by Sept. 1, affecting a total of 105 workers. Akron, Ohio-based FirstEnergy attributed the shutdowns to new federal environmental regulations that are designed to reduce emissions of mercury and other toxic pollutants from coal- and oil-fired plants. FirstEnergy said the three plants' total generating capacity is about 3 percent of the electricity produced by the company. Over the past three years, they generated less than 1 percent of the company's electricity and served mostly as peaking facilities. Six coal-fired power plants in Ohio, Pennsylvania and Maryland also will be retired. Gov. Earl Ray Tomblin called the closures another example of the U.S. Environmental Protection Agency hurting Appalachia with "short-sighted" rulings and urged the agency to "review the entire impact of their decisions-from environmental to economical." "When the EPA adopts regulations, they continue to fail to take into account the real-life effects these rules have on hard working Americans" like those at the FirstEnergy plants, he said.

MARYLAND

BALTIMORE SUN

From Early Bird Blog: Greens find some localities lag in Bay cleanup plans A coalition of environmental groups has handed out mixed grades for the Chesapeake Bay cleanup plans every county in Maryland prepared late last year. The plans, submitted to the state Department of the Environment, are part of a detailed statewide bay restoration plan the state was required to give the U.S. Environmental Protection Agency last month. EPA has prescribed a "pollution diet" for Maryland and the other five states that drain into the Chesapeake, requiring them to lay out steps they'll take by 2025 to reduce nitrogen, phosphorus and sediment fouling the bay's waters. MDE submitted its latest draft plan on Jan. 26 and is seeking public comments until March 9. Counties have until July to improve or refine their local plans. "Every county in Maryland submitted a draft plan to reduce its share of water pollution in local waters and the Chesapeake Bay," said Jennifer Bevan-Dangel of 1000 Friends of Maryland, "and we are encouraged that every county has begun this important process." Some did a better job than others, though, according to an evaluation by the Choose Clean Waters Coalition of environmental groups. Anne Arundel, Baltimore, Calvert, Caroline, Dorchester and Montgomery counties turned in the strongest plans, in the group's judgment, which rated them as making a "strong start." Howard, Kent, Prince Georges, St. Mary's and Talbot counties, plus Baltimore city, presented basically good draft plans, the groups said, but they failed to thoroughly document how pollution would be reduced and paid for. Those were dubbed a "good start." Harford, Queen Anne's, and Wicomico counties turned in skimpier plans, according to the coalition, while Allegany, Carroll, Cecil, Charles, Frederick, Garrett, Somerset, Washington and Worcester counties handed in what the group described as "skeletal" plans that did not commit the local governments to cleanup actions. To learn more about the clean-water group's assessment of local bay plans, go [here](#).

From Early Bird Blog: MD "on track" to reduce greenhouse gases Maryland is on track to reduce climate-altering greenhouse gases 25 percent by the end of the decade, according to a state environmental official. In a preview of the state's overdue plan to curb emissions of carbon dioxide and methane, George S. "Tad" Aburn Jr., head of air management for the state [Department of the Environment](#), told members of the House Environmental Matters Committee Wednesday that Maryland should exceed the goal set in a 2009 law if all 65 control programs laid out in the draft blueprint work as planned. National climate-change legislation died in the Senate in 2010, but Maryland is one of five states to enact its own mandatory measures for mitigating and adapting to climate change. Aburn noted that because of Maryland's extensive Chesapeake Bay shoreline, it is the 4th most vulnerable state to sea-level rise, one of the leading impacts of climate change... The largest share of the reductions should come shifts in energy use by the state's residents and businesses, Aburn said, with changes in Maryland's transportation and land use activities a close second. Among the actions under way already is the state's participation in the Regional Greenhouse Gas Initiative, a multi-state program to reduce carbon-dioxide emissions from power plants. The state's programs to boost energy efficiency and renewable energy should help, Aburn said, as should campaigns to plant more trees, which absorb carbon dioxide. Lawmakers ordered that the greenhouse gas reduction effort should only go forward if it creates jobs and boost the economy. Aburn said the state's studies forecast about 36,000 jobs will be added annually, with a net gain of \$6 billion to the economy. Aburn said the greenhouse gas reduction effort should pay off in other ways as well, by curbing conventional air pollution and by reducing the fallout of nitrogen and phosphorus from the air that's fouling the Chesapeake Bay.

MD students fight Keystone pipelineSome of those environmental activists campaigning against the Keystone XL pipeline are on the young side. Kids from 20 Maryland high schools, who dub themselves the Tar Sands Students, plan to meet

today with a representative of the White House [Council on Environmental Quality](#) to press their concerns about construction of the line to carry oil extracted from tar sands deposits in western Canada to refineries in the Gulf of Mexico. Since launching their effort last fall, the students have met with other Obama administration officials and turned out for a rally against the pipeline. President Obama has denied approval for the project, saying the administration could not adequately review its environmental impact on the timetable required by Congress. Republicans on Capitol Hill are pressing for congressional action to approve the pipeline.

WGMD RADIO

From Early Bird [Delaware Congressional Delegation announces funding for Nanticoke River dredging project](#) Delaware's Congressional delegation has announced that it's secured nearly \$1.9 million in funding for a dredging project in the Nanticoke River. The Army Corps of Engineers will conduct the project, which will deepen the river's main shipping channel to 12 feet between Seaford and the Maryland line. Shoals in some portions of the river have made navigation difficult for barges transporting grains, fuel and gravel on the river between Seaford and the Chesapeake Bay. This will be the first time the river has been dredged since 1990

SALI SBURY DAILY TIMES

From Early Bird [Editorial: FOIA protects our access](#) (Tuesday) James Madison might have unwittingly foreshadowed the federal Freedom of Information Act, first passed by Congress in 1966 and signed into law by President Lyndon B. Johnson. It has been revised and updated since that time, and in 1996 an amendment that amounts to a companion bill, the Electronic Freedom of Information Act, became law.

[Federal studies back impact of wind turbines](#)

OCEAN CITY -- Federal impact studies show areas of the mid-Atlantic coast where offshore wind turbines would have "no significant environmental impact," the U.S. Interior Secretary announced. The finding means sections of open ocean off the Maryland coast will be made available for long-term leases for the development of wind turbines."We all know the wind potential off the Atlantic coast is staggering... up to 1,000 gigawatts of power," said Secretary Ken Salazar. "That's more than the entire nation's present electric-generating capacity. "Atlantic wind can help power cities from Baltimore to Boston to Savannah, creating tens of thousands of manufacturing and engineering jobs in the process."

EASTON STAR DEMOCRAT

From Early Bird [Cardin lauds conservation grants](#) WASHINGTON U.S. Sen. Ben Cardin, D-Md., recently praised the U.S. Department of Agriculture for its announcement of Conservation Innovation Grants for water quality market projects. Cardin, a member of the Senate Environment and Public Works Committee and chairman of its Water and Wildlife Subcommittee, has made cleaning up Chesapeake Bay a top priority of his political career, and said he was pleased the federal funding will promote nutrient trading. "Today's announcement by USDA of \$10 million in national funding for water quality market programs, including \$5 million for the Chesapeake Bay Watershed, is an important step forward for the great water bodies of our nation," Cardin said in a Jan. 13 statement. Proposals for projects are due March 2. Cardin called the Bay a national treasure and said he is proud the watershed-based clean-up program for it has become a model for the rest of the country. He said he has advocated nutrient trading for years as a key tool in Bay restoration efforts. "Today's funding announcement ensures that the Bay will continue to be at the cutting-edge of water quality solutions by creating market-based programs that will reduce harmful pollution while saving money for water utilities and local communities and generating needed income for our farmers," Cardin said.

ASSOCIATED PRESS (Md.)

From Early Bird [Md. delegate wants to ban arsenic in chicken feed](#) ANNAPOLIS — A Maryland lawmaker said Wednesday that poultry feed containing a known carcinogen should be banned from Maryland farms even though its maker has already stopped selling it voluntarily. Delegate Tom Hucker, D-Montgomery, told a panel of his colleagues Wednesday that even though Pfizer Inc. has voluntarily suspended the sale of roxarsone, a chemical often put in chicken feed to help the birds grow and fight parasites, he wants the chemical banned here. Hucker said the chemical and other additives that contain arsenic contaminate chicken meat and waste, polluting soil and the Chesapeake Bay. "We should look for alternatives, but without a ban, there will be far less market pressure to spend money on research for alternatives," he said. Pfizer stopped selling the drug in July after a U.S. Food and Drug Administration study found higher levels of inorganic arsenic in chicken treated with roxarsone than in those that were not fed the chemical. Perdue Farms, the country's third-largest chicken company, stopped using it in 2007. Hucker's proposal, which was rejected by House Environmental Matters Committee last year, was studied by the Harry R. Hughes Center for Argo-Ecology. The study found that the use of arsenic is unsustainable, Hucker said. Chicken industry representatives said banning roxarsone and other chemicals with arsenic could hurt Maryland poultry farmers if Pfizer begins to sell the product again after further FDA analysis.

VIRGINIA

RICHMOND TIMES-DISPATCH

From Early Bird [Chesterfield comprehensive plan to be reworked](#) The Chesterfield County Board of Supervisors shelved a proposed new comprehensive plan during a Wednesday afternoon work session and sent the document back to the Planning Department for a massive rewrite. The plan, which cost nearly \$870,000 in consulting fees and involved tens of thousands of hours of staff and community time over nearly three years, failed to garner any support two weeks after a Chester-based tea party-like group led a round of stern criticism of the plan at a public hearing. Ralph Carter and Daren Gardner, members of the Chester Patriots, said they were happy, if a bit surprised, to see the plan remanded so soon after the board seemed ready to take action. The Board of Supervisors' 90-day window to act, which was set in motion when the Planning Commission sent the plan to it in November, was to expire on Wednesday. The board didn't have to approve the plan on Wednesday, but it did have to take some action. After a public hearing two weeks ago, board Chairman Daniel A. Gecker of the Midlothian District scheduled a special work session for 1 p.m. Wednesday — a two-hour head start on the normal schedule — for discussion on the comprehensive plan. But it quickly became apparent that the extra time wasn't needed. About 10 minutes into the special session, Planning Director Kirk Turner recommended that the board either send the plan back for more work or reject it outright.

From Early Bird Eagle Cam's so-star lays first egg The eagle egg has landed. The co-star of the Richmond Eagle Cam laid her first egg Wednesday at 5:44 p.m. "I feel privileged to have witnessed this," said Eagle Cam viewer Gary Eck of Henrico County. "I feel like I was allowed into the privacy of the nest in order to experience this act of resurrection." "Everyone is just thrilled," said Barbara Slatcher of Hanover County, an Eagle Cam volunteer. Eagles usually lay up to three eggs. The second would come in about three days. The Eagle Cam is a project of the Richmond Times-Dispatch and the Center for Conservation Biology, a research group. Viewers have until 5 p.m. today to cast online votes to name the pair.

FREDERICKSBURG FREELANCE STAR

From Early Bird Biosolids facility on hold in Culpeper The Culpeper County Board of Supervisors has deferred for 30 days a request by Recyc Systems to build a biosolids storage facility in the Elkwood–Remington area, following an extended public hearing that followed some procedural confusion.About two dozen speakers walked to the podium during the public hearing Tuesday night, and only three were sympathetic to Recyc's use-permit request. As occurred during a similar forum at the Planning Commission meeting two weeks ago, the rest cited history, traffic problems, health concerns and smell as reasons they didn't want the facility in their neighborhood. Joseph McKinney, president of the Brandy Station Foundation, told the board that the 260 acres on which Recyc wants to build its storage facility is located near four Civil War battlefields. He urged the supervisors to deny the use permit because it was the county's duty "to preserve this land as part of the [Civil War soldiers'] legacy." However, Perry Cabot, representing the Society for the Preservation of Culpeper History, pointed out that if you preserved all the historic land in Culpeper and added buffers, "You would foreclose half the county." Cabot cited Virginia historical maps as the basis for his statement. "There should be limitations, but not denial," Cabot said. Others were not so sympathetic. Matthew Grimsley said that the proposed facility would be only a short distance from a "Welcome to Culpeper" sign, and the odor might give travelers a bad impression. "The first thing they do is smell poop," he said.

STAUNTON NEWS LEADER

From Early Bird Supervisors: Data confusion muddies EPA pollution requirements VERONA — The county needs to find out how the federal government measures river pollution before the local government can figure out ways to comply with federally-mandated targets to lower pollution, supervisors said Wednesday. Members of the Board of Supervisors talked at their regular meeting Wednesday about the confusion localities face in attempts to comply with goals to reduce runoff pollutants that flow into the Chesapeake Bay. Pollution measures the county is having to use as a starting point date to 2005, and county officials don't know where the data came from, supervisors and Community Development Director Timmy Fitzgerald said at the meeting.That starting point can't include measures taken to abate runoff contamination since then, Beverley Manor Supervisor David Karaffa said. Marshall Pattie, who represents the North River District, suggests that the county use a representative to collect data alongside technicians gathering data for the U.S. Environmental Protection Agency. Like other local governments, Augusta officials are awaiting a written response the county sent to address a federal inquiry into local reduction efforts. Virginia is one of six states plus the District of Columbia with rivers and streams whose waters empty into the Chesapeake Bay. The EPA wants to reduce sediment, phosphorus and nitrogen that wash off land in the 64,000-square-mile watershed area and wind up creating "dead zones" in the bay - areas that don't support aquatic life. Farming is considered the main source of sediment and phosphorus pollution while contributing about 40 percent of nitrogen. The EPA has offered hundreds of millions of dollars to property owners and governments to reduce runoff pollution that find its way into the bay. Still, Virginia localities and property owners fear costs could escalate beyond reason with the federal government's recent efforts to mandate bay cleanup.Every local government in Virginia was required

From Early Bird No-till farmers work less, get more yield Farmers are used to having to do more with less — more crops produced on less acreage, more milk and eggs from fewer animals, more investment with smaller profit margins — but now they're applying that approach to field work: less work and more yield. Many are giving up tilling fields. No-till farming, they find, creates more stable and rich soil, reduces erosion and, perhaps most importantly, saves time, money and effort. "I'll never go back to tilling," said third-generation dairy farmer Junior Beachy of Staunton, who grows corn, soybeans, small grains, hay and alfalfa for his 400 cattle on 500 acres of rolling, shale-bed farmland near the mouth of Christians Creek. "There's fields on this farm that every time you tilled you'd just have to plan on going back and picking up a whole bunch of rocks. Well, that's history for me." The decision to give no-till farming a try in 2004 was an easy one for Beachy when, after consecutive years of low yields, he took a farmer up on an offer to see his no-till fields in Dayton. "What he had in his fields was what I wanted in my fields," Beachy said. "We were struggling. We'd come through some drought years, some pretty low yields. We just weren't quite cutting it, and I was looking for something better."Instead of tilling his fields, Beachy began rotating crops and planting cover crops year round. The results were remarkable.

LYNCHBURG NEWS AND ADVANCE

From Early Bird Lynchburg College students trying to conserve energy, water For the next three weeks, Lynchburg College students are competing against 150 schools nationwide to see who can conserve the most electricity and water. The eco-effort kicks off today with a talk by Dr. Kevin Peterson, a math professor committed to sustainable living. At 8 p.m., residence halls will go dark for a one-hour blackout. More than 600 LC students are participating in the effort. The college is tracking weekly progress through the campus' utility meters, and reporting the results to Campus Conservation Nationals to see how it fares against other schools. The goal is to save 30 cents of combined electricity and water per person, per day. That comes to about three kilowatt hours of electricity or 98 gallons of water (roughly equivalent to a 14-minute shower). In addition to the national competition, LC's residence halls will compete against each other through April. LC will award prizes to those who save the most energy, with the ultimate goal of making conservation a permanent part of campus life. The collaborative effort is organized by Rachel Montgomery, a graduate assistant who wants to raise awareness about energy consumption. By participating in the competition, Montgomery hopes to demonstrate "sustainability is a focus that's happening at a lot of different institutions."

WAYNESBORO NEWS-VIRGINIAN

From Early Bird Augusta County proceeds on Mills Creek Dam renovation VERONA, Va. -- Augusta County Supervisors voted Wednesday to authorize its portion of funding to renovate Mills Creek Dam in the Sherando/Lyndhurst area. Augusta County Administrator Patrick Coffield said the county has received federal approval for 65 percent of the \$1.6 million to \$1.8 million in costs needed to renovate the half-century old dam, located on 17.4 acres on a creek west of Sherando Lake. The flood control dam's concrete riser structure must be replaced. Supervisors voted Wednesday night to pay the remaining 35 percent of the renovation costs from a county capital improvements account. However, Coffield said there is hope that the commonwealth of Virginia can provide 25 percent of the remaining cost. Also Wednesday night, supervisors authorized the county's Economic Development Authority to proceed with a \$500,000 capital contribution for Mary Baldwin College's new health sciences graduate campus that will be located off Goose Creek Road in Fishersville. County officials specified that the \$500,000 capital contribution would come from a non-recurring revenue source used for economic development. Mary Baldwin announced the location of the project on Monday. College officials thanked Augusta County on Wednesday night for their efforts in helping the college with a site. Mary Baldwin selected a 30-acre site from more than 20 potential sites in the areas of Waynesboro, Staunton and Augusta County. "We learned from each other and we appreciate how much Augusta County listened to us," said David Mowen, Mary Baldwin's vice president for business and finance. The graduate program in health sciences is scheduled to start in the fall of 2014. Supervisors were briefed on a response sent the state Department of Conservation and Recreation regarding Augusta County's efforts toward meeting its

portion of the pollution reduction goals in the Chesapeake Bay Watershed.

MI SCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

From Early Bird [Inspector General Faults Oversight of EPA Oil Spill Prevention Program](#) EPA is unaware of the identity and compliance status of facilities that it regulates under the Clean Water Act's oil spill prevention and control program, the agency's Office of Inspector General says. Without such information, "EPA cannot assess the success of steps it has taken to improve the quality and consistency of [spill prevention control and countermeasure] plans, [federal response plans], or the oil pollution prevention program as a whole," the OIG report concludes. The report recommends that EPA improve oversight by assessing and reporting every two years on the quality and consistency of spill and federal response plans.

From Early Bird [First Energy Cites EPA Air Rules in Closure of West Virginia Plants](#) FirstEnergy Corp. says it will close three coal-fired power plants in West Virginia by Sept. 1, citing EPA's mercury and air toxics standards and other environmental regulations for the decision. All of the generating facilities belong to FirstEnergy's Monongahela Power Co. (Mon Power) subsidiary, acquired in 2011 when the Akron, Ohio-based company purchased Allegheny Power.

From Early Bird [EPA Finalizes Increases to Emissions Budgets in Cross-State Rule](#) EPA releases a final rule to increase emissions budgets in 10 states under the Cross-State Air Pollution Rule to reduce pollution that crosses state lines. The agency simultaneously issues a direct final rule with further revisions to emissions budgets in five of those states and in the budgets for eight additional states. The rules do not make significant changes to the underlying cross-state rule, EPA says. Although adjustments vary for individual states, the two rules would increase allowable emissions under the cross-state program by 2 percent, the agency says. The rule has been stayed by a court, but EPA says it is prudent to revise the emissions budgets in the event the stay is lifted.

From Early Bird [EPA Says Eight Companies on Track to Eliminate Perfluorinated Chemicals](#) Eight companies participating in a voluntary program to phase out production and use of certain perfluorinated chemicals, including perfluorooctanoic acid (PFOA), are on target to do so by the end of 2015, EPA says. The eight companies participating in the phaseout are Arkema Inc., Asahi Glass Co., BASF Corp. (successor to Ciba Specialties Chemicals Corp.), Clariant International Inc., Daikin America Inc., DuPont, Dyneon/3M, and Solvay Solexis Inc

From Early Bird [Senate Finance Backs Plan to Lift Cap on Bonds for Water Infrastructure](#) The Senate Finance Committee approves a measure that for the next six years would eliminate the annual cap on how much cities and towns may raise through private tax-exempt bonds to fund drinking water and wastewater infrastructure repairs. Approved as part of a measure to fund the surface transportation bill, the proposal offered by Sen. Menendez would amend the Internal Revenue Service code by removing the cap on the amount that municipalities may raise through private-activity bonds for the projects. Menendez says the measure is designed to make project financing more affordable for communities

ASSOCIATED PRESS

From Early Bird [EPA: US needs \\$300B in sewer, water work, NY needs \\$29.7B in water, fed funding sought](#) ALBANY, N.Y. — A federal study shows municipalities nationwide need more than \$300 billion worth of essential upgrades to long overlooked water and sewer systems over the next 20 years. The need is acute in Northeastern states with older systems like New York, which needs \$29.7 billion worth of improvements, U.S. Sen. Charles Schumer said Wednesday. But he said that price is a “just a drop in the bucket” compared to the higher cost of continuing to upgrade parts of sewer and water systems when emergencies strike. He is pushing a bill that would counter planned funding cuts in the federal transportation bill now being negotiated in Washington. “EPA found that the nation’s 53,000 community water systems and 21,400 not-for-profit, non-community water systems will need to invest an estimated \$334.8 billion between 2007 and 2027,” stated the federal Drinking Water Infrastructure Needs Survey and Assessment, which is updated every four years. The National Association of Counties’ 2008 report estimated the need for water and sewer upgrades at \$300 billion to \$450 billion nationwide and the federal stimulus project provided just a fraction of that as the recession reduced local governments’ revenues.

From Early Bird [House Democrats cite lax oversight of oil, natural gas drilling on public land](#) WASHINGTON — Federal policing of oil and natural gas drilling on public lands is lax and inconsistent, with only 6 percent of violations resulting in monetary fines over 13 years, House Democrats said in a report Wednesday. Fines over that time totaled less than \$275,000, an amount that the Democratic staff of the House Natural Resources Committee characterized as little more than “pocket change” for oil and gas companies. The report said federal regulators issued no fines in the period studied, February 1998 to February 2011, in eight of the drilling states. The report released Wednesday, said the government does little to ensure accountability or protect the environment, even as drilling on federal land has increased in recent years. The increase is driven in part by hydraulic fracturing, or “fracking,” a drilling technique that has allowed companies to extract oil and gas long locked underground. The report focuses on drilling activity that occurred on federal land in 17 states during three administrations, two Democratic and one Republican. A total of 2,025 citations for safety and drilling violations were issued to 335 companies, the report said, with 64 companies fined a total of \$273,875. “It would be an overstatement to even call these fines a slap on the wrist. For oil and gas companies making billions from drilling on America’s public lands, this kind of inadequate oversight and enforcement is little more than a pin prick,” said Massachusetts Rep. Edward Markey, the committee’s top Democrat. Markey and Rep. Rush Holt, D-N.J., requested the report. “American citizens and workers should feel confident that oil and gas companies are conducting business in the safest manner possible, and when they don’t, that the U.S. government will step in and make sure they pay the price for their actions. This report indicates that confidence in the oversight of drilling on public lands should be limited, at best,” Markey said.

HUFFINGTON POST

From Early Bird [Purple Squirrel Released Back Into Pennsylvania Wilderness](#) A purple squirrel captured on Sunday by a couple from Jersey Shore, Pa., has been released back into the wild, AccuWeather.com reports. Jersey Shore residents

Percy and Connie Elmert found the squirrel in a humane animal trap they had set in their backyard to catch the pesky critters. Percy would later release the squirrels far from the house so they wouldn't return to the property and get into the birdfeeders. "I kept telling my husband I saw a purple one out in the yard. 'Oh sure you did' he kept telling me," Connie Emert told Accuweather.com. "Well, he checked the trap around noon on Sunday and sure enough, there it was." After keeping the squirrel around for a few days so neighbors could take a look at the strange creature -- who now has accounts on Twitter and Facebook -- Percy Elmert released the squirrel back into the wild Tuesday night. As for why the squirrel was purple, Buzzfeed pointed out that a purple squirrel found in England in 2008 spurred debate among vets and nature experts. "I have never seen anything like it before," wildlife expert Chris Packham told the *Telegraph* at the time. "Squirrels will chew anything even if it's obviously inedible. It is possible he has been chewing on a purple ink cartridge and then groomed that coloring into his fur." But the squirrel's uniform color would seem to rule out the paint theory. Krish Pillai, a professor at Lock Haven University of Pennsylvania, commented on Accuweather.com that the squirrel's color should not be taken lightly:

CHERRY HILL COURIER POST

From Early Bird Delaware River dredging gets more funds The project to dredge the Delaware River channel got federal funding and continued opposition from a local congressman Wednesday. Out of \$5 billion designated for U.S. Army Corps of Engineers' projects in the country this year, \$16.9 million has been appropriated to continue deepening the Delaware River from 40 to 45 feet. The money became available through the Energy and Water Appropriations Act signed by President Barack Obama on Dec. 23, but the exact projects to be funded between now and the end of 2012 fiscal year in September were not named until Wednesday. The project and the latest appropriation remains opposed by Rep. Rob Andrews, D-Camden, and a coalition of environmental groups. "The \$16.9 million is a done deal, even though I believe it is spending good money after bad," he said referring to the 17 miles of channel that have already been dredged. "There will be opportunities in the fiscal 2013 budget to prevent future funding because I believe this an obsolete channel. The long-term future is 50 feet. I also oppose it for environmental reasons," Andrews added. The money will be spent dredging a 14-mile stretch between Penn's Landing and Essington, just north of Philadelphia International Airport. Work is expected to begin in August. The appropriation is merely a down payment on the estimated \$300 million cost of the entire project. How much, if any, will be awarded in fiscal 2013 federal budget is anybody's guess. That budget is scheduled to be submitted to Congress on Monday

NEW YORK POST

From Early Bird Facing Frack hysteria -- Pa. drilling is cleaner than ever Learning how to exploit the rich vein of natural gas buried in the Marcellus Shale beneath Pennsylvania, Ohio and New York has been a boon to the nation, but another remarkable discovery's gone along with it. The Keystone State has devised a system of environmental-protection regulations that actually works. Exploiting shale gas to its full capability has the potential to radically alter some fundamental economic and national-security equations. After all, oil imports account for about half of the total US trade deficit, and US policymakers suffer insomnia every time some random ayatollah starts making scary noises about the Strait of Hormuz. Environmental ones, too. About half of US electricity comes from burning coal — which, on its best day, is a lot more environmentally problematic than natural gas (something to think about while tooling down to Trader Joe's in your 45 percent coal-powered Chevy Volt or Nissan Leaf). Then there's the jobs. Since Marcellus production really picked up around 2008, tens of thousands of jobs have been created. (Want \$60,000 a year to drive a water truck with a \$2,000 signing bonus? Pennsylvania is calling.) What's more, tens of billions of dollars in new wealth have been injected into the ailing US economy. Pennsylvania and West Virginia saw 57,000 new Marcellus jobs in a single year. (New York, which still severely restricts gas development, gets none of that.) So what's not to love? The problem is hysteria over the gas-drilling technique known as hydraulic fracturing, or "fracking." Fracking uses a blend of water and sand to create tiny fractures in the shale through which natural gas can escape. Critics have raised fears that the practice could contaminate aquifers (the main source of our drinking water), but there's a mile or more of impermeable stone between the Marcellus shale and the water table.

BUFFALO NEWS

From Early Bird Tests of material in Le Roy drums reveal non-hazardous contents A sampling of the material left in rusted and corroding steel drums at the Le Roy Superfund site has revealed that the tested contents are non-hazardous, the Environmental Protection Agency reported late today. According to a statement, the EPA reviewed the sample results for 80 of about 240 drums of soil and rock material from the Lehigh Valley Railroad derailment site where a 1970 train derailment led to the release of liquid trichloroethene (TCE) and cyanide crystals. "In all cases, the results indicate that the materials in the drums are non hazardous," the EPA stated. "TCE was detected in one drum, at a concentration of 0.2 parts per million (ppm), which is below health based levels. There were no detectable levels of cyanide in any of the drums."

From Early Bird In search of answers to the many questions in Le Roy The illness afflicting 18 teens has spurred speculation on what's behind it all. The national media spotlight has been shining on rural Le Roy for weeks, lending heat to the questions surrounding the strange illness that has led to 18 students exhibiting uncontrollable gestures, sounds and seizures. The teenage Le Roy girls have made for riveting TV in recent weeks, with close-ups of one-time cheerleaders and student-athletes now twitching and pleading for answers. The scrutiny has led to debates about whether the media are helping parents find answers to a "mystery illness" or exploiting vulnerable families and worsening the plight of sick children. This week, WGRZ-TV announced it will stop repeatedly showing footage of twitching girls they've interviewed. The initial diagnosis of the majority of the afflicted students was that individually, they suffered from conversion disorder, and collectively, they suffered from mass psychogenic illness. A few others had pre-existing conditions, including one with Tourette's syndrome. Speculation persists about whether other triggers could have led to this cluster of illnesses. The Buffalo News has attempted to summarize much of what's happening in Le Roy, based on data from the Department of Health, the Environmental Protection Agency, the school district and interviews with nearly a dozen neurologists, researchers, psychiatrists and other physician specialists.

DAILY NEWS ONLINE (WYOMING COUNTY, NY)

From Early Bird EPA: Seventy-nine of 80 barrels tested free of contamination LE ROY — Of 80 barrels recently tested at the site of a 1970 train derailment, one showed trace elements of the toxic chemical trichloroethene (TCE), the United States Environmental Protection Agency announced Wednesday afternoon. Mary Mears, deputy director of public affairs for EPA Region 2 in New York City, stated in an e-mail that TCE was detected in one barrel at a concentration of .2 parts per million, a level not considered a health risk. The 79 other barrels tested did not contain trichloroethene (TCE) or any other hazardous substances, Mears said. There are about 240 55-gallon metal drums at the spill site, off Gulf Road in the northeast section of the town. Testing continues on the remaining barrels; results will be released as they become available, the EPA stated. The December 1970 derailment of a Lehigh Valley Railroad train spilled about 30,000 gallons of liquid TCE and one ton of crystallized cyanide onto the ground. The cyanide was scooped up; the TCE disappeared into the soil. No cyanide crystals was detected in any of the 80 barrels tested, Mears said in her e-mail. The EPA e-mail stated the containers already tested will be shipped to a "permitted facility."

ENVIRONMENTAL EXPERT

EPA announces \$1.4 million civil penalty for TSCA violations If anyone is thinking big penalties under the Toxic Substances Control Act (TSCA) are a thing of the past, think again. On February 7, 2012, the U.S. Environmental Protection Agency (EPA) announced that Dover Chemical Corporation has agreed to pay a \$1.4 million civil penalty for the unauthorized manufacture of chemical substances at facilities in Dover, Ohio, and Hammond, Indiana. The settlement resolves alleged violations of TSCA premanufacture notice (PMN) obligations for the production of various chlorinated paraffins. According to EPA, Dover Chemical produces the 'vast majority' of chlorinated products sold in the U.S. As part of the settlement, Dover Chemical has ceased manufacturing short-chain chlorinated paraffins (SCCP), which have persistent, bioaccumulative, and toxic (PBT) characteristics. More information is available online.

ENVIRONMENTAL DEFENSE FUND

Mixed Bag Out Of Pennsylvania On Hydraulic Fracturing Chemical Disclosure
Last night the Pennsylvania (PA) General Assembly passed legislation on fracturing fluid chemical disclosure that, on the whole, isn't half bad – particularly considering where they started. Unfortunately, the bill contains a major flaw that prevents us from being able to hold it up as a model for other states to follow. Still, there's quite a bit to be liked. More on that below. I should also point out that the disclosure legislation was part of a much larger bill that addresses a broad range of issue related to shale gas development in PA. The overall bill has been the target of quite a bit of criticism from local environmental groups – particularly for eliminating much of the discretion of local jurisdictions to manage and plan for oil and gas activities within their borders. We didn't work on those provisions, so I'll leave it to those who did to offer up their assessments and, for now, just give a run-down on the disclosure piece.